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CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

## ASSEMBLY BILL

No. 233

**Introduced by Assembly Member Escutia**  
*Members Escutia and Pringle*

~~(Principal coauthor: Assembly Member Cardoza)~~

~~(Coauthors: Assembly Members Baca, Kuehl, Machado,  
Migden, Papan, Perata, Shelley, Sweeney, and Thomson)~~

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Shelley, Strom-Martin, Sweeney, and Thomson)~~

~~(Principal coauthors: Senators Calderon, Johannessen,  
Leslie, and Solis)~~

~~(Coauthors: Senators Ayala, Burton, Johnston, O'Connell,  
Schiff, and Thompson)~~

February 6, 1997

An act to amend Section 116.230 of the Code of Civil Procedure, to amend Section 1852 of the Family Code, to amend Sections 26820.4, 26823, 26827, 26827.4, 26830, 26838, 26857, 26862, 27361, 68073, 68085, 68090.8, 68113, 68502.5, 68513, 72054, 72055, 72060, 76000, and 77003 of, to amend, repeal, and add Section 68547 of, to add Sections 26832.1, 26833.1, 26835.1, 26836.1, 26837.1, 26850.1, 26851.1, 26852.1, 26853.1, 26855.4, 27081.5, 68073.1, 68085.5, 68088, ~~68502.5~~, 72056.01, 76224, 77001, and 77009 to, to add Chapter 14 (commencing with Section 77600) to, Title 8 of, to repeal Article 4 (commencing with Section 77300) of Chapter 13 of Title 8 of, to add and repeal Sections 26826.01 and 77201 of, to repeal and add Section 71383 of, and to repeal and add Article 3 (commencing with Section 77200) of Chapter 13 of Title 8 of, the Government Code, to amend Sections 1463.001, 1463.005, 1463.007, 1463.009, and 1464 of, to add Sections 1170.45, 1463.010, and 1463.07 to, and to repeal Sections 1463.003 and 1463.01 of, the Penal Code, and to amend Section 42007 of, and to add Sections 11205.1 and 42007.1 to, the Vehicle Code, relating to trial court funding.

LEGISLATIVE COUNSEL'S DIGEST

AB 233, as amended, Escutia. Trial courts: funding.

(1) Existing law establishes various fees for civil cases.

This bill would revise those fees.

(2) Existing law establishes a system of state funding for trial courts.

This bill would set forth the findings, declarations, and intent of the Legislature with regard to trial court funding and revise the system of state funding for trial courts, as specified. The bill would establish the Task Force on Trial Court Employees and the Task Force on Court Facilities, and specify the powers and duties thereof. The bill would also expand the powers and duties of the Judicial Council with respect to trial court funding, as specified. The bill would also revise provisions governing the Trial Court Trust Fund and the Trial Court Improvement Fund, as specified.

(3) Existing law establishes the duties of a county with respect to the trial courts in the county.

This bill would revise the duties of a county with respect to the provision of necessary resources for the trial courts, as specified.

(4) Existing law authorizes the Judicial Council to adopt rules of court as specified by statute.

This bill would authorize rules of court providing for racial, ethnic, and gender bias, and sexual harassment training for judges, commissioners, and referees. The bill would also revise the duties of the Judicial Council with respect to the collection of court data and reporting thereon.

(5) Existing law establishes the Trial Court Trust Fund for the purpose of funding trial court operations.

This bill would, until July 1, 2001, authorize any unexpended funds, not to exceed \$5,000,000, in the Trial Court Trust Fund for the ~~1996-97~~ 1997-98 fiscal year or any other available funds to be allocated by the Judicial Council for trial court facilities renovation, repair, and maintenance projects, as specified, pursuant to appropriation by the Legislature. The bill would also provide that if the county retained share of any specified fines and forfeitures exceeds the amount of the fines and forfeitures collected in that county during the 1994-95 fiscal year, that excess shall be deposited into the Trial Court Trust Fund, up to the amount of any allocation to the county made pursuant to the bill.

The bill would authorize the Administrative Office of the Courts to establish budget procedures and an annual schedule of budget developmental management, as specified, and set forth the criteria for the Judicial Council's trial court budget request.

(6) Under existing law, a judge or justice is deemed to serve or sit under assignment on each day during which it is necessary for him or her on account of the assignment to serve on the court to which assigned, to travel to or from such court, or to be absent from his or her residence.

This bill would, until January 1, 1999, delete reference to justices in this provision, revise the provision to apply to service in a substantial way on that court, and add provisions specifying when a judge of a municipal court is deemed to have served under assignment in the superior court, and requiring the Judicial Council to adopt implementing rules,

including criteria for approval of judicial and administrative court coordination plans.

(7) Existing law specifies the authority of the Trial Court Budget Commission.

This bill would provide that the Trial Court Budget Commission shall exercise its authority under the direction of, and with the approval of, the Judicial Council.

(8) Existing law authorizes each county to establish a courthouse construction fund, to be financed by surcharges on fines, forfeitures, and penalties and used for courthouse construction, as specified, and to continue through and including the 20th year after the initial year for the surcharge, or the 20th year after any borrowings are made for such construction.

This bill would extend those time limits with respect to Merced County from 20 to 25 years.

(9) Existing law requires counties to fund the costs of automating court recordkeeping.

This bill would revise those requirements, as specified.

(10) Existing law requires a biennial audit of trial court accounts, as specified.

This bill would repeal that provision.

(11) Existing law specifies the disposition of fines and forfeitures, and traffic violator fees, collected by the courts for crimes other than parking violations.

This bill would revise those provisions, as specified.

(12) This bill would establish a Civil Delay Reduction Team, which provisions would remain in effect until July 1, 1999. The bill would also establish a Judicial Administration Efficiency and Modernization Fund in the State Treasury for expenditure by the Judicial Council, as specified.

(13) The bill would impose state-mandated local costs by revising the duties of local officials, but would specify that the bill shall not be deemed to impose a state-mandated local program because of the state's assumption of increased funding support for the trial courts.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known and may be cited  
2 as “the Lockyer-Isenberg Trial Court Funding Act of  
3 1997.”

4 SEC. 2. The Legislature finds and declares as follows:

5 (a) The judiciary of California is a separate and  
6 independent branch of government, recognized by the  
7 Constitution and statutes of this state as such.

8 (b) The Legislature has previously established the  
9 principle that the funding of trial court operations is most  
10 logically a function of the state. Such funding is necessary  
11 to provide uniform standards and procedures, economies  
12 of scale, and structural efficiency and simplification. This  
13 decision also reflects the fact that the overwhelming  
14 business of the trial courts is to interpret and enforce  
15 provisions of state law and to resolve disputes among the  
16 people of the State of California.

17 (c) Structural improvement will provide for an  
18 improved court system, a uniform and equitable court  
19 system and will, therefore, increase access to justice for  
20 the citizens of the State of California. The structural  
21 improvements outlined in the Trial Court Realignment  
22 and Efficiency Act of 1991, and subsequent measures,  
23 have outlined some of the improvements required.

24 (d) Many trial courts have made significant progress  
25 in efficiency through court coordination and in  
26 developing cost management and control systems  
27 through budget procedures and performance standards.  
28 However, this progress is not uniform throughout the  
29 court system. The Legislature recognizes that the Judicial  
30 Council has adopted mandatory rules on court  
31 coordination and on the development of budget  
32 procedures and performance standards requiring more  
33 rapid progress in this area. The current bifurcated  
34 funding structure does not allow adequate financial  
35 planning for the courts, thereby instilling doubt as to the  
36 efficacy of new budget procedures or performance  
37 standards.

1 (e) The fiscal health of the judicial system, and the  
2 willingness and ability of the judiciary to adopt measures  
3 of efficiency and coordination, has a considerable impact  
4 on the quality of justice dispensed to the citizens of  
5 California.

6 (f) It is increasingly clear that the counties of  
7 California are no longer able to provide unlimited  
8 funding increases to the judiciary and, in some counties,  
9 financial difficulties and strain threaten the quality and  
10 timeliness of justice.

11 (g) The stated intent of the Legislature to assume the  
12 largest share of the funding of the trial courts has not been  
13 achieved, primarily due to the recent recession and the  
14 resulting limitation of state funds. However, there is a  
15 clear need to proceed as rapidly as possible toward the  
16 goal of full state funding of trial court operations and,  
17 accordingly, this measure is a logical and necessary step  
18 to achieve the result.

19 SEC. 3. The Legislature declares its intent to do each  
20 of the following:

21 (a) Provide state responsibility for funding of trial  
22 court operations commencing in the 1997–98 fiscal year.

23 (b) Provide that county contributions to trial court  
24 operations shall be permanently capped at the same  
25 dollar amount as that county provided to court operations  
26 in the 1994–95 fiscal year with adjustments to the cap, as  
27 specified.

28 (c) Provide that the State of California shall assume  
29 full responsibility for any growth in costs of trial court  
30 operations thereafter.

31 (d) Continue to define “court operations” as currently  
32 established in law; provided, however, that the  
33 Legislature recognizes that there remain issues regarding  
34 which items of expenditure are properly included within  
35 the definition of court operations. Therefore, the  
36 Legislature intends to reexamine this issue during the  
37 1997–98 fiscal year, in the hopes of reflecting any agreed  
38 upon changes in subsequent legislation.

1 (e) Provide that the obligation of counties to  
2 contribute to trial court costs shall not be increased in any  
3 fashion by state budget action relating to the trial courts.

4 (f) Return to the counties of California the revenue  
5 generated from fines and forfeitures pursuant to Sections  
6 27361 and 76000 of the Government Code, Sections  
7 1463.001, 1463.005, 1463.007, 1463.009, 1463.07, and 1464 of  
8 the Penal Code, and Sections 42007 and 42007.1 of the  
9 Vehicle Code by the courts of each county. This return  
10 will allow counties the opportunity to obtain sufficient  
11 revenue to meet their obligation to the state.

12 (g) In adopting this plan, the Legislature intends to do  
13 all of the following:

14 (1) To provide that no personnel employed in the  
15 court system as of July 1, 1997, shall have their salary or  
16 benefits reduced as a result of this act.

17 (2) By January 1, 2001, to adopt a plan to transition all  
18 existing court employees into an appropriate  
19 employment status, recognizing the state assumption of  
20 trial court costs.

21 (3) To consider providing courts in each county the  
22 option for employees to transition to the status of  
23 employees of the state, the local court or, with the  
24 concurrence of the county, continuation of the status as  
25 county employees, and a mechanism for involvement of  
26 the local judiciary in the negotiations regarding  
27 compensation of court employees.

28 (h) Accelerate the pace of court coordination and  
29 efficiencies adopted by the Judicial Council and continue  
30 the development and implementation of comprehensive  
31 budget procedures and performance standards.

32 (i) Modify Section 68073 of the Government Code to  
33 protect counties from liability for state costs resulting  
34 from orders made under that section.

35 (j) Modify Section 68073 of the Government Code to  
36 continue the obligation of the counties to provide court  
37 facilities to judges and personnel in each county. Require  
38 the Judicial Council to report by October 30, 1998, on  
39 possible alternatives for the participation by the state in

1 the cost of a new construction, remodeling, or renovation  
2 of trial court facilities.

3 (k) Require the Judicial Council to create a reserve  
4 fund of no less than 1 percent of the funds appropriated  
5 for trial courts, to be utilized by the Judicial Council to  
6 assist financially stressed courts, or those courts affected  
7 by natural disaster or courts with a heavily congested  
8 calendar that cannot reasonably be resolved by fully  
9 utilizing coordination or other court efficiencies and to  
10 promote and encourage local and statewide efforts  
11 toward efficiency and coordination.

12 (l) Acknowledge the need for strong and independent  
13 local court financial management, including encouraging  
14 the adoption by the Judicial Council of a Trial Courts Bill  
15 of Financial Management Rights, to be approved no later  
16 than January 1, 1998. This bill of management rights shall  
17 minimize the rules and regulations in the area of financial  
18 affairs to those sufficient to guarantee efficiency, but shall  
19 give strong preference to the need for local flexibility in  
20 the management of court financial affairs.

21 SEC. 4. Section 116.230 of the Code of Civil Procedure  
22 is amended to read:

23 116.230. (a) A fee of twenty dollars (\$20) shall be  
24 charged and collected for the filing of a claim if the  
25 number of claims previously filed by the party in each  
26 court within the previous 12 months is 12 or less; and a fee  
27 of thirty-five dollars (\$35) shall be collected for the filing  
28 of any additional claims.

29 (b) A fee to cover the actual cost of court service by  
30 mail, adjusted upward to the nearest dollar, shall be  
31 charged and collected for each defendant to whom the  
32 court clerk mails a copy of the claim under Section  
33 116.340.

34 (c) The number of claims filed by a party during the  
35 previous 12 months shall be determined by a declaration  
36 by the party stating the number of claims so filed and  
37 submitted to the clerk with the current claim.

38 (d) Five dollars (\$5) of the fees authorized in  
39 subdivision (a) shall be deposited upon collection in the  
40 special account in the county treasury established



1 pursuant to subdivision (b) of Section 68085 of the  
2 Government Code, and transmitted therefrom monthly  
3 to the Controller for deposit in the Trial Court Trust  
4 Fund.

5 SEC. 5. Section 1852 of the Family Code is amended  
6 to read:

7 1852. (a) There is in the State Treasury the Family  
8 Law Trust Fund.

9 (b) Moneys collected by the state pursuant to  
10 subdivision (c) of Section 10605 of the Health and Safety  
11 Code, subdivision (a) of Section 26832 of the Government  
12 Code, and grants, gifts, or devises made to the state from  
13 private sources to be used for the purposes of this part  
14 shall be deposited into the Family Law Trust Fund.

15 (c) Moneys deposited in the Family Law Trust Fund  
16 shall be placed in an interest bearing account. Any  
17 interest earned shall accrue to the fund and shall be  
18 disbursed pursuant to subdivision (d).

19 (d) Money deposited in the Family Law Trust Fund  
20 shall be disbursed for purposes specified in this part and  
21 for other family law related activities.

22 (e) Moneys deposited in the Family Law Trust Fund  
23 shall be administered by the Judicial Council. The Judicial  
24 Council may, with appropriate guidelines, delegate the  
25 administration of the fund to the Administrative Office of  
26 the Courts.

27 (f) Any moneys in the Family Law Trust Fund that are  
28 unencumbered at the end of the fiscal year are  
29 automatically appropriated to the Family Law Trust  
30 Fund of the following year.

31 (g) In order to defray the costs of collection of these  
32 funds, pursuant to this section, the local registrar, county  
33 clerk, or county recorder may retain a percentage of the  
34 funds collected, not to exceed 10 percent of the fee  
35 payable to the state pursuant to subdivision (c) of Section  
36 10605 of the Health and Safety Code.

37 SEC. 6. Section 26820.4 of the Government Code is  
38 amended to read:

39 26820.4. The total fee for filing of the first paper in a  
40 civil action or proceeding in the superior court, except an

1 adoption proceeding, shall be one hundred eighty-five  
2 dollars (\$185).

3 This section applies to the initial complaint, petition, or  
4 application, and the papers transmitted from another  
5 court on the transfer of a civil action or proceeding, but  
6 does not include documents filed pursuant to Section  
7 491.150, 704.750, or 708.160 of the Code of Civil Procedure.

8 SEC. 7. Section 26823 of the Government Code is  
9 amended to read:

10 26823. (a) When the venue in a case is changed, the  
11 fee for making up and transmitting the transcript and  
12 papers is twenty-three dollars (\$23) and a further sum  
13 equal to the total fee for filing in the court to which the  
14 case is transferred. The clerk shall transmit the total filing  
15 fee with the papers in the case to the clerk or judge of the  
16 court to which the case is transferred.

17 (b) Notwithstanding Section 68085, fourteen dollars  
18 (\$14) of the fee authorized in this section shall be  
19 deposited in the county general fund for use as county  
20 general fund revenue.

21 SEC. 8. Section 26826.01 is added to the Government  
22 Code, to read:

23 26826.01. (a) The fee for filing an amended  
24 complaint or amendment to a complaint in a civil action  
25 or proceeding in the superior court is seventy-five dollars  
26 (\$75).

27 (b) The fee for filing a cross-complaint, amended  
28 cross-complaint, or amendment to a cross-complaint in a  
29 civil action or proceeding in the superior court is  
30 seventy-five dollars (\$75).

31 (c) A party shall not be required to pay the fee  
32 provided by this section for an amended complaint,  
33 amendment to a complaint, amended cross-complaint, or  
34 amendment to a cross-complaint more than one time in  
35 any action.

36 (d) The fee provided by this section shall not apply to  
37 any of the following:

38 (1) An amended pleading or amendment to a pleading  
39 ordered by the court to be filed.

1 (2) An amended pleading or amendment to a pleading  
2 that only names previously fictitiously named defendants.

3 (e) This section shall become inoperative on July 1,  
4 2000, and, as of January 1, 2001, is repealed, unless a later  
5 enacted statute, that becomes effective on or before  
6 January 1, 2001, deletes or extends the dates on which it  
7 becomes inoperative and is repealed.

8 SEC. 9. Section 26827 of the Government Code is  
9 amended to read:

10 26827. (a) The total fee for filing the first petition for  
11 letters of administration, a petition for special letters of  
12 administration, a petition for letters testamentary, a first  
13 account of a testamentary trustee of a trust that is subject  
14 to the continuing jurisdiction of the court pursuant to  
15 Chapter 4 (commencing with Section 17300) of Part 5 of  
16 Division 9 of the Probate Code, a petition for letters of  
17 guardianship, a petition for letters of conservatorship, a  
18 petition for compromise of a minor's claim, a petition  
19 pursuant to Section 13151 of the Probate Code, a petition  
20 pursuant to Section 13650 of the Probate Code (except as  
21 provided in Section 13652 of the Probate Code), or a  
22 petition to contest any will or codicil is one hundred  
23 eighty-five dollars (\$185).

24 (b) The fee set forth in subdivision (a) shall also be  
25 charged for filing any subsequent petition of a type  
26 described in subdivision (a) in the same proceeding by a  
27 person other than the original petitioner.

28 SEC. 10. Section 26827.4 of the Government Code is  
29 amended to read:

30 26827.4. (a) The fee for filing a subsequent paper in  
31 a proceeding under the Probate Code which requires a  
32 court hearing is twenty-three dollars (\$23), except for  
33 papers for proceedings required by any of the following:

34 (1) Section 10501 of the Probate Code.

35 (2) Accountings of trustees of testamentary trusts that  
36 are subject to the continuing jurisdiction of the court  
37 pursuant to Chapter 4 (commencing with Section 17300)  
38 of Part 5 of Division 9 of the Probate Code.

39 (3) Division 4 (commencing with Section 1400) of the  
40 Probate Code.

1 (b) Objections to any papers exempt from the fee  
2 imposed by this section are subject to the filing fee of  
3 twenty-three dollars (\$23). This section does not apply to  
4 petitions filed pursuant to subdivision (b) of Section  
5 26827.

6 (c) Notwithstanding Section 68085, fourteen dollars  
7 (\$14) of the twenty-three dollar (\$23) fee authorized in  
8 subdivisions (a) and (b) shall be deposited in the county  
9 general fund for use as county general fund revenue.

10 SEC. 11. Section 26830 of the Government Code is  
11 amended to read:

12 26830. (a) Except as provided in subdivisions (b) and  
13 (c), the fee for filing any notice of motion, or any other  
14 paper requiring a hearing subsequent to the first paper,  
15 or any notice of intention to move for a new trial of any  
16 civil action or special proceeding, or an application for  
17 renewal of a judgment, is twenty-three dollars (\$23).

18 However, there shall be no fee for filing any of the  
19 following:

20 (1) An amended notice of motion.

21 (2) A memorandum that a civil case is at issue.

22 (3) A hearing on a petition for emancipation of a  
23 minor.

24 (4) Default hearings.

25 (5) A show-cause hearing on a petition for an  
26 injunction prohibiting harassment.

27 (6) A show-cause hearing on an application for an  
28 order prohibiting domestic violence.

29 (7) A show-cause hearing on writs of review, mandate,  
30 or prohibition.

31 (8) A show-cause hearing on a petition for a change of  
32 name.

33 (9) A hearing to compromise a claim of a minor or an  
34 insane or incompetent person.

35 (b) The fee for filing a motion for summary judgment  
36 or summary adjudication of issues is one hundred dollars  
37 (\$100).

38 (c) The fee for the filing of any motion in small claims  
39 court matters is fourteen dollars (\$14), which shall be

1 deposited in the county general fund for use as county  
2 general fund revenue.

3 (d) Notwithstanding Section 68085, fourteen dollars  
4 (\$14) of the twenty-three dollar (\$23) fee authorized in  
5 subdivision (a) and the one hundred dollar (\$100) fee  
6 established by subdivision (b) shall be deposited in the  
7 county general fund for use as county general fund  
8 revenue.

9 SEC. 12. Section 26832.1 is added to the Government  
10 Code, to read:

11 26832.1. (a) Notwithstanding the fee authorized by  
12 Section 26833.1, a fee of five dollars (\$5) shall be paid by  
13 a public agency applicant for a certified copy of a  
14 marriage dissolution record that the agency is required to  
15 obtain in the ordinary course of business. A fee of ten  
16 dollars (\$10) shall be paid by any other applicant for a  
17 certified copy of a marriage dissolution record. Five  
18 dollars (\$5) of any ten dollar (\$10) fee shall be  
19 transmitted monthly by each clerk of the court to the  
20 state for deposit into the Family Law Trust Fund as  
21 provided by Section 1852 of the Family Code.

22 (b) As used in this section, “marriage dissolution  
23 record” means the judgment.

24 (c) Notwithstanding Section 68085, three dollars (\$3)  
25 of the five dollar (\$5) fee and three dollars (\$3) of the ten  
26 dollar (\$10) fee authorized in subdivision (a) shall be  
27 deposited in the county general fund for use as county  
28 general fund revenue.

29 SEC. 13. Section 26833.1 is added to the Government  
30 Code, to read:

31 26833.1. The fee for certifying a copy of any paper,  
32 record, or proceeding on file in the office of the clerk of  
33 any court is six dollars (\$6). For every certificate the fee  
34 for which is not otherwise fixed, the fee is six dollars (\$6).  
35 Notwithstanding Section 68085, one dollar and  
36 seventy-five cents (\$1.75) of the fee authorized in this  
37 section shall be deposited in the county general fund for  
38 use as county general fund revenue.

39 SEC. 14. Section 26835.1 is added to the Government  
40 Code, to read:

1 26835.1. (a) The clerk of the court shall collect a fee  
2 of six dollars (\$6) per signature for any document that is  
3 required to be authenticated pursuant to court order.

4 (b) Each document authenticated by the county clerk  
5 shall contain the following statement:

6 “\_\_\_\_, County Clerk and ex officio Clerk of the  
7 Superior Court, in and for the County of \_\_\_\_, State  
8 of California. Signed pursuant to court order dated  
9 \_\_\_\_ in the matter of \_\_\_\_ petitioner v. \_\_\_\_,  
10 respondent, Case No. \_\_\_\_.”

11 (c) Notwithstanding Section 68085, two dollars (\$2) of  
12 the fee authorized by subdivision (a) shall be deposited  
13 in the county general fund for use as county general fund  
14 revenue.

15 SEC. 15. Section 26836.1 is added to the Government  
16 Code, to read:

17 26836.1. For every certificate the fee for which is not  
18 otherwise fixed, the fee is six dollars (\$6).  
19 Notwithstanding Section 68085, one dollar and  
20 seventy-five cents (\$1.75) of the fee authorized in this  
21 section shall be deposited in the county general fund for  
22 use as county general fund revenue.

23 SEC. 16. Section 26837.1 is added to the Government  
24 Code, to read:

25 26837.1. For comparing with the original on file in the  
26 office of the clerk of any court, the copy of any paper,  
27 record, or proceeding prepared by another and  
28 presented for the clerk’s certificate, the fee is one dollar  
29 (\$1) per page, in addition to the fee for the certificate.  
30 Notwithstanding Section 68085, fifty cents (\$0.50) of the  
31 fee authorized in this section shall be deposited in the  
32 county general fund for use as county general fund  
33 revenue.

34 SEC. 17. Section 26838 of the Government Code is  
35 amended to read:

36 26838. The fee for a certificate required by courts of  
37 appeal or the Supreme Court on filing a notice of motion  
38 prior to the filing of the record on appeal in the reviewing  
39 court is twenty-three dollars (\$23). Notwithstanding  
40 Section 68085, fourteen dollars (\$14) of the fee authorized

1 in this section shall be deposited in the county general  
2 fund for use as county general fund revenue.

3 SEC. 18. Section 26850.1 is added to the Government  
4 Code, to read:

5 26850.1. For filing and indexing all papers for which  
6 a charge is not elsewhere provided, other than papers  
7 filed in actions or special proceedings, official bonds, or  
8 certificates of appointment, the fee is six dollars (\$6).  
9 Notwithstanding Section 68085, two dollars and  
10 twenty-five cents (\$2.25) of the fee authorized in this  
11 section shall be deposited in the county general fund for  
12 use as county general fund revenue.

13 SEC. 19. Section 26851.1 is added to the Government  
14 Code, to read:

15 26851.1. For either recording or registering any  
16 license or certificate or issuing any certificate, or both, in  
17 connection with a license, required by law for which a  
18 charge is not otherwise prescribed, the fee is six dollars  
19 (\$6). Notwithstanding Section 68085, two dollars and  
20 twenty-five cents (\$2.25) of the fee authorized in this  
21 section shall be deposited in the county general fund for  
22 use as county general fund revenue.

23 SEC. 20. Section 26852.1 is added to the Government  
24 Code, to read:

25 26852.1. The fee for each certificate to the official  
26 capacity of any public official is six dollars (\$6).  
27 Notwithstanding Section 68085, two dollars and  
28 twenty-five cents (\$2.25) of the fee authorized in this  
29 section shall be deposited in the county general fund for  
30 use as county general fund revenue.

31 SEC. 21. Section 26853.1 is added to the Government  
32 Code, to read:

33 26853.1. The fee for taking an affidavit, except in  
34 criminal cases or adoption proceedings, is six dollars (\$6).  
35 Notwithstanding Section 68085, two dollars and  
36 twenty-five cents (\$2.25) of the fee authorized in this  
37 section shall be deposited in the county general fund for  
38 use as county general fund revenue.

39 SEC. 22. Section 26855.4 is added to the Government  
40 Code, to read:

1 26855.4. The fee for taking acknowledgment of any  
2 deed or other instrument, including the certificate, is six  
3 dollars (\$6) for each signature. Notwithstanding Section  
4 68085, two dollars and twenty-five cents (\$2.25) of the fee  
5 authorized in this section shall be deposited in the county  
6 general fund for use as county general fund revenue.

7 SEC. 23. Section 26857 of the Government Code is  
8 amended to read:

9 26857. No fee shall be charged by the clerk for service  
10 rendered to a defendant in any criminal action or, to the  
11 petitioner in any adoption proceeding except as provided  
12 in Section 103730 of the Health and Safety Code, nor shall  
13 any fees be charged for any proceeding brought pursuant  
14 to Section 7841 of the Family Code to declare a minor free  
15 from parental custody or control. No fee shall be charged  
16 by the clerk for service rendered to any municipality or  
17 county in the state, or to the national government, nor for  
18 any service relating thereto.

19 SEC. 24. Section 26862 of the Government Code is  
20 amended to read:

21 26862. In any county in which there is a family  
22 conciliation court, or in which counties have by contract  
23 established joint family conciliation court services, a fee  
24 of twenty dollars (\$20) shall be paid to the clerk of the  
25 court at the time of filing a motion, order to show cause,  
26 or other proceeding seeking to modify or enforce that  
27 portion of any judgment or order entered in this state or  
28 any other state which orders or awards the custody of a  
29 minor child or children or which specifies the rights of  
30 any party to the proceeding to visitation of a minor child  
31 or children. Notwithstanding Section 68085, fifteen  
32 dollars (\$15) of the fee authorized in this section shall be  
33 deposited in the county treasury and shall be used  
34 exclusively to pay the costs of maintaining the family  
35 conciliation court.

36 SEC. 25. Section 27081.5 is added to the Government  
37 Code, to read:

38 27081.5. Jury fees shall not be returned in the event  
39 the action or proceeding is dismissed or the trial by jury  
40 is waived after deposit of jury fees.





1 SEC. 26. Section 27361 of the Government Code is  
2 amended to read:

3 27361. (a) The fee for recording and indexing every  
4 instrument, paper, or notice required or permitted by  
5 law to be recorded is four dollars (\$4) for recording the  
6 first page and three dollars (\$3) for each additional page,  
7 except the recorder may charge additional fees as follows:

8 (1) If the printing on printed forms is spaced more  
9 than nine lines per vertical inch or more than 22  
10 characters and spaces per inch measured horizontally for  
11 not less than 3 inches in one sentence, the recorder shall  
12 charge one dollar (\$1) extra for each page or sheet on  
13 which printing appears excepting, however, the extra  
14 charge shall not apply to printed words which are  
15 directive or explanatory in nature for completion of the  
16 form or on vital statistics forms. Fees collected under this  
17 paragraph are not subject to subdivision (b) or (c).

18 (2) If a page or sheet does not conform with the  
19 dimensions described in subdivision (a) of Section  
20 27361.5, the recorder shall charge three dollars (\$3) extra  
21 per page or sheet of the document. The extra charge  
22 authorized under this paragraph shall be available solely  
23 to support, maintain, improve, and provide for the full  
24 operation for modernized creation, retention, and  
25 retrieval of information in each county's system of  
26 recorded documents. Fees collected under this  
27 paragraph are not subject to subdivision (b) or (c).

28 (b) One dollar (\$1) of each three dollar (\$3) fee for  
29 each additional page shall be transmitted by the county  
30 auditor monthly to the Controller for deposit in the Trial  
31 Court Trust Fund established pursuant to Section 68085.

32 (c) Notwithstanding Section 68085, one dollar (\$1) for  
33 recording the first page and one dollar (\$1) for each  
34 additional page shall be available solely to support,  
35 maintain, improve, and provide for the full operation for  
36 modernized creation, retention, and retrieval of  
37 information in each county's system of recorded  
38 documents.

39 SEC. 27. Section 68073 of the Government Code is  
40 amended to read:

1 68073. (a) Commencing July 1, 1997, and each year  
2 thereafter, no county or city and county shall be  
3 responsible to provide funding for “court operations” as  
4 defined in Section 77003 and Rule 810 of the California  
5 Rules of Court as it read on July 1, 1996.

6 (b) Commencing as of July 1, 1996, and each year  
7 thereafter, each county or city and county shall be  
8 responsible for providing necessary and suitable facilities  
9 for judicial and court support positions created prior to  
10 July 1, 1996. In determining whether facilities are  
11 necessary and suitable, the reasonable needs of the court  
12 and the fiscal condition of the county or city and county  
13 shall be taken into consideration.

14 (c) If a county or city and county fails to provide  
15 necessary and suitable facilities as described in  
16 subdivision (b), the court shall give notice of a specific  
17 deficiency. If the county or city and county then fails to  
18 provide necessary and suitable facilities pursuant to this  
19 section, the court may direct the appropriate officers of  
20 the county or city and county to provide the necessary  
21 and suitable facilities. The expenses incurred, certified by  
22 the judge or judges to be correct, are a charge against the  
23 county or city and county treasury and shall be paid out  
24 of the general fund.

25 (d) Prior to the construction of new court facilities or  
26 the alteration, remodeling, or relocation of existing court  
27 facilities, a county or city and county shall solicit the  
28 review and comment of the judge or judges of the court  
29 affected regarding the adequacy and standard of design,  
30 and that review and comment shall not be disregarded  
31 without reasonable grounds.

32 (e) For purposes of this section, “facilities” means: (1)  
33 rooms for holding superior and municipal court, (2) the  
34 chambers of the judges of the court, (3) rooms for the  
35 attendants of the court, and (4) sufficient heat,  
36 ventilation, air-conditioning, light, and fixtures for those  
37 rooms and chambers.

38 (f) This section shall not be construed as authorizing  
39 a county, a city and county, a court, or the state to supply  
40 to the official reporters of the courts stenography,

1 stenotype, or other shorthand machines; nor as  
2 authorizing the supply to the official reporters of the  
3 courts, for use in the preparation of transcripts, of  
4 typewriters, transcribing equipment, supplies, or other  
5 personal property.

6 SEC. 28. Section 68073.1 is added to the Government  
7 Code, to read:

8 68073.1. (a) All furniture, furnishings, and  
9 equipment used solely by a trial court on June 30, 1997,  
10 shall become the property of the court unless the county  
11 is prohibited from transferring title by a contract,  
12 agreement, covenant, or other provision in the law.

13 (b) Any other furniture, furnishings, or equipment  
14 made available by the county or city and county for use  
15 by a court on June 30, 1997, shall continue to be made  
16 available to the court, unless otherwise agreed in writing  
17 by the court and the county or city and county.

18 (c) The court shall assume all responsibility for any  
19 furniture, furnishing, and equipment for which title is  
20 transferred to the court or that continues to be made  
21 available for use by a court pursuant to this section,  
22 including the fiscal responsibility for any rental or lease  
23 obligation, the repair, maintenance, and replacement of  
24 such furniture, furnishing, and equipment.

25 SEC. 29. Section 68085 of the Government Code is  
26 amended to read:

27 68085. (a) (1) There is hereby established the Trial  
28 Court Trust Fund, the proceeds of which shall be  
29 apportioned in four installments for the purpose of  
30 funding trial court operations, as defined in Section 77003.

31 (2) The quarterly apportionment payments shall be  
32 made by the Controller. For fiscal year 1997–98, the  
33 Controller shall make the first quarterly apportionment  
34 payment within 10 days of the operative date of this  
35 section, with subsequent payments due on October 15,  
36 January 15, and April 15. In subsequent years, payments  
37 shall be due on July 15, October 15, January 15, and April  
38 15.

39 (b) Notwithstanding any other provision of law, the  
40 fees listed in subdivision (c) shall all be deposited upon

1 collection in a special account in the county treasury, and  
2 transmitted therefrom monthly to the Controller for  
3 deposit in the Trial Court Trust Fund.

4 (c) Except as specified in subdivision (d), this section  
5 applies to all fees collected pursuant to Sections 26820.4,  
6 26823, 26826, 26826.01, 26827, 26827.4, 26830, 26831,  
7 26832.1, 26833.1, 26835.1, 26836.1, 26837.1, 26838, 26850.1,  
8 26851.1, 26852.1, 26853.1, 26855.4, 26862, 27081.5,  
9 subdivision (b) of Section 27361, and Sections 68086,  
10 72055, 72056, 72056.01, and 72060.

11 If any of the fees provided for in this subdivision are  
12 partially waived by court order, and the fee is to be  
13 divided between the Trial Court Trust Fund and any  
14 other fund, the amount of the partial waiver shall be  
15 deducted from the amount to be distributed to each fund  
16 in the same proportion as the amount of each distribution  
17 bears to the total amount of the fee.

18 (d) This section does not apply to that portion of a  
19 filing fee collected pursuant to Section 26820.4, 26826,  
20 26827, 72055, or 72056 which is allocated for dispute  
21 resolution pursuant to Section 470.3 of the Business and  
22 Professions Code, the county law library pursuant to  
23 Section 6320 of the Business and Professions Code, the  
24 Judges' Retirement Fund pursuant to Section 26822.3,  
25 automated recordkeeping or conversion to  
26 micrographics pursuant to Sections 26863 and 68090.7,  
27 and courthouse financing pursuant to Section 76238. This  
28 section also does not apply to fees collected pursuant to  
29 subdivisions (a) and (c) of Section 27361.

30 (e) Notwithstanding any other provision of law, no  
31 agency shall take action to change the amounts allocated  
32 to any of the above funds.

33 (f) Before making any apportionments under this  
34 section, the Controller shall deduct, from the annual  
35 appropriation for that purpose, the actual administrative  
36 costs that will be incurred under this section. Costs  
37 reimbursed under this section shall be determined on an  
38 annual basis in consultation with the Judicial Council.

39 (g) Any amounts required to be transmitted by a  
40 county or city and county to the state pursuant to this

1 section shall be remitted to the Controller no later than  
2 45 days after the end of the month in which the fees were  
3 collected. This remittance shall be accompanied by a  
4 remittance advice identifying the collection month and  
5 the appropriate account in the Trial Court Trust Fund to  
6 which it is to be deposited. Any remittance which is not  
7 made by the county or city and county in accordance with  
8 this section shall be considered delinquent, and subject to  
9 applicable penalties.

10 (h) The Trial Court Trust Fund shall be invested in the  
11 Surplus Money Investment Fund and all interest earned  
12 shall be allocated to the Trial Court Trust Fund  
13 semiannually and shall be allocated among the courts in  
14 accordance with the requirements of subdivision (a). The  
15 specific allocations shall be specified by the Judicial  
16 Council, based upon recommendations from the Trial  
17 Court Budget Commission.

18 (i) The fourth quarterly payment from the Trial Court  
19 Trust Fund for the 1996–97 fiscal year shall be made on or  
20 before August 31, 1997.

21 SEC. 30. Section 68085.5 is added to the Government  
22 Code, to read:

23 68085.5. (a) Notwithstanding Section 68085 and  
24 pursuant to appropriation by the Legislature, the Judicial  
25 Council may allocate unexpended funds in the Trial  
26 Court Trust Fund, or any other funds available for  
27 allocation, for the ~~1996–97~~ 1997–98 fiscal year for trial  
28 court facilities renovation, repair, and maintenance  
29 projects approved by the Judicial Council subject to the  
30 conditions in subdivision (d). The amount allocated  
31 pursuant to this section shall not exceed five million  
32 dollars (\$5,000,000).

33 (b) The Judicial Council is authorized to allocate  
34 moneys from the funds specified in subdivision (a) for  
35 such projects as may be approved by the Judicial Council,  
36 and shall be paid to the county therefor by the Controller.

37 (c) Notwithstanding Section 68085 and pursuant to  
38 appropriation by the Legislature, beginning in the  
39 ~~1997–98~~ 1998–99 fiscal year and each year thereafter, if the  
40 county retained share of any fines and forfeitures

1 collected by the trial courts of a county that receives  
2 funds pursuant to subdivision (a) exceeds the fines and  
3 forfeitures collected during the 1994–95 fiscal year, the  
4 excess fines and forfeitures which would otherwise be  
5 retained by the county shall instead be deposited in the  
6 Trial Court Trust Fund up to the amount of any allocation  
7 made pursuant to this section.

8 (d) Projects approved by the Judicial Council  
9 pursuant to this section shall meet the following  
10 conditions:

11 (1) The county has an environmental impact review  
12 report certified if it is required for the project.

13 (2) The county board of supervisors has completed  
14 and approved the plans and specifications for the project.

15 (3) The county has completed the architectural design  
16 through a request for proposal process for the project.

17 (4) The county has completed any update of the  
18 justice facility master plan that is necessary.

19 (5) The county has already completed a competitive  
20 bid process for the project.

21 (6) The county has completed any and all land  
22 acquisition, including all necessary condemnation and  
23 relocation proceedings, for the project.

24 (7) The county has received Board of Corrections  
25 approval for any holding facilities.

26 (e) Subdivisions (a), (b), and (d) shall become  
27 inoperative on July 1, 2001. Subdivision (c) shall become  
28 inoperative when all funds allocated to any county  
29 pursuant to this section have been repaid.

30 SEC. 31. Section 68088 is added to the Government  
31 Code, to read:

32 68088. The Judicial Council may provide by rule of  
33 court for racial, ethnic, and gender bias, and sexual  
34 harassment training for judges, commissioners, and  
35 referees.

36 SEC. 32. Section 68090.8 of the Government Code is  
37 amended to read:

38 68090.8. (a) (1) The Legislature finds that the  
39 management of civil and criminal cases, including traffic  
40 cases, and the accounting for funds in the trial courts

1 requires these courts to implement appropriate levels of  
2 automation.

3 (2) The purpose of this section is to make a fund  
4 available for the development of automated accounting,  
5 automated data collection through case management  
6 systems, and automated case-processing systems for the  
7 trial courts, together with funds to train operating  
8 personnel, and for the maintenance and enhancement of  
9 the systems.

10 (3) Automated data collection shall provide the  
11 foundation for planning, research, and evaluation  
12 programs that are generated from within and outside of  
13 the judicial branch. This system shall be a resource to the  
14 courts, the Judicial Council and its committees, the  
15 Administrative Office of the Courts, the Legislature, the  
16 Governor, and the public. During the developmental  
17 stage and prior to the implementation of the system, the  
18 Legislature shall make recommendations to the Judicial  
19 Council as to the breadth and level of detail of the data  
20 to be collected.

21 (b) Prior to making any other required distribution,  
22 the county treasurer shall transmit 2 percent of all fines,  
23 penalties, and forfeitures collected in criminal cases,  
24 including, but not limited to, moneys collected pursuant  
25 to Chapter 12 (commencing with Section 76000) of Title  
26 8 of this code, Section 13003 of the Fish and Game Code,  
27 Section 11502 of the Health and Safety Code, and Chapter  
28 1 (commencing with Section 1427) of Title 11 of Part 2 of  
29 the Penal Code, into the Trial Court Improvement Fund  
30 established pursuant to Section 77209, to be used  
31 exclusively to pay the costs of automating trial court  
32 recordkeeping systems. These systems shall meet Judicial  
33 Council performance standards, including production of  
34 reports as needed by the state, the counties, and local  
35 governmental entities.

36 SEC. 33. Section 68113 of the Government Code is  
37 amended to read:

38 68113. (a) The superior and municipal courts in each  
39 county shall submit a report to the Judicial Council on  
40 progress towards achieving the cost reduction goals

1 associated with the coordination plans and factors  
2 impacting the cost of court operations and the collection  
3 of revenues. The report shall also include financial  
4 information on expenditures for court operations and  
5 revenues according to a uniform chart of accounts  
6 adopted by the Judicial Council. The reports shall be  
7 submitted quarterly on or before the first day of the third  
8 month following the end of the quarter, except the  
9 fourth-quarter report shall be submitted on the first day  
10 of the fourth month following the end of the fourth  
11 quarter.

12 (b) For purposes of the reporting requirements of this  
13 section, a court or courts in a county may petition the  
14 Judicial Council to permit division of the court or courts  
15 into smaller administrative units corresponding to the  
16 organization of the court or courts under a coordination  
17 plan where reporting courtwide would impose an undue  
18 burden because of the number of judges or the physical  
19 location of the divisions of the court or courts.

20 (c) The Judicial Council shall submit a report to the  
21 Legislature on or before February 1 following the end of  
22 each fiscal year setting forth all of the following:

23 (1) The revenues and expenditures for each superior  
24 and municipal court in the state and statewide totals.

25 (2) A summary of the savings achieved by the courts  
26 in each county and statewide.

27 (3) Factors impacting the cost of court operations and  
28 the collection of revenues.

29 SEC. 33.2. Section 68502.5 of the Government Code is  
30 amended to read:

31 68502.5. (a) The Judicial Council shall provide by  
32 rule for the appointment of a standing Trial Court Budget  
33 Commission and the deadlines for meeting its various  
34 responsibilities. Under the direction and with the  
35 approval of the Judicial Council, the commission shall  
36 have the authority to:

37 (1) Receive budget requests from the trial courts. Trial  
38 courts shall send to the county board of supervisors a copy  
39 of their proposed budgets and any revisions or appeals at  
40 the time their budget requests are submitted to the Trial



1 Court Budget Commission, pursuant to this section. The  
2 counties may submit timely comments to the commission  
3 regarding the contents of the proposed budgets of their  
4 respective trial courts. The commission shall consider the  
5 counties' comments when determining appropriate  
6 budgets for the courts.

7 (2) Review the trial courts' budget requests and  
8 evaluate them against performance criteria established  
9 by the Judicial Council by which a court's performance,  
10 level of coordination, and efficiency can be measured.

11 (3) Annually recommend to the Judicial Council for its  
12 approval the projected cost in the subsequent fiscal year  
13 of court operations as defined in Section 77003 for each  
14 trial court. This estimation shall serve as the basis for court  
15 budgets, which shall be developed programmatically by  
16 court function, as approved by the Judicial Council, for  
17 comparison purposes and to delineate the funding  
18 responsibilities.

19 (4) Annually prepare a recommended schedule for  
20 the allocation of moneys to individual courts and a  
21 recommended overall trial court budget for approval by  
22 the Judicial Council and forwarding to the Governor for  
23 inclusion in the Governor's proposed State Budget. The  
24 recommended schedule shall be based on the  
25 performance criteria established pursuant to paragraph  
26 (2) and on a minimum standard established by the  
27 Judicial Council for the operation and staffing of all trial  
28 court operations. This minimum standard shall be  
29 modeled on court operations using all reasonable and  
30 available measures to increase court efficiency and  
31 coordination. The schedule of allocations shall assure that  
32 all trial courts receive funding for the minimum  
33 operating and staffing standards before funding  
34 operating and staffing requests above the minimum  
35 standards, and shall include incentives and rewards for  
36 any trial court's implementation of efficiencies and cost  
37 saving measures.

38 (5) Reallocate funds in accordance with Judicial  
39 Council rules during the course of the fiscal year to ensure  
40 equal access to the trial courts by the public, to improve

1 trial court operations, and to meet trial court  
2 emergencies. Reallocations shall be limited to 15 percent  
3 of that portion of any court's annual budget amount  
4 funded by the state. Neither the state nor the counties  
5 shall have any obligation to replace moneys appropriated  
6 for trial courts and reallocated pursuant to this paragraph.

7 (6) Allocate funds in the Trial Court Improvement  
8 Fund in accordance to Judicial Council rules to ensure  
9 equal access to trial courts by the public, to improve trial  
10 court operations, and to meet trial court emergencies.

11 (7) Upon approval of the trial courts' budget by the  
12 Legislature, prepare during the course of the fiscal year  
13 an allocation schedule for quarterly payments to the  
14 counties, consistent with Sections 68085 and 77205.1,  
15 which shall be submitted to the Controller's office by the  
16 10th day of the month in which payments are to be made.

17 (8) Establish rules, pursuant to the authority of the  
18 Judicial Council, regarding a court's authority to transfer  
19 trial court funding moneys from one functional category  
20 to another in order to address needs in any functional  
21 category.

22 (9) At the request of the presiding judge of a trial  
23 court, conduct an independent review of the funding  
24 level of the court to determine whether it is adequate to  
25 enable the court to discharge its statutory and  
26 constitutional responsibilities.

27 (10) From time to time, review the level of fees  
28 charged by the courts for various services and prepare  
29 recommended adjustments for approval and forwarding  
30 to the Legislature by the Judicial Council.

31 (b) Members of the commission shall receive no  
32 compensation from the state for their services. When  
33 called into session, they shall receive their actual and  
34 necessary expenses for travel, board, and lodging, which  
35 shall be paid from the funds appropriated for this use.  
36 These expenses shall be appropriated in the manner as  
37 the Judicial Council directs, and shall be audited by the  
38 Controller in accordance with the rules of the State Board  
39 of Control.

1 SEC. 33.4. Section 68513 of the Government Code is  
2 amended to read:

3 68513. The Judicial Council shall provide for the  
4 uniform entry, storage, and retrieval of court data  
5 relating to civil cases in superior court by means provided  
6 for in this section, in addition to any other data relating  
7 to court administration, including all of the following:

8 (a) The category type of civil case, such as contract or  
9 personal injury-death-property damage by motor  
10 vehicle.

11 (b) The time from filing of the action to settlement.

12 (c) The type of settlement procedure, if any, which  
13 contributed to the settlement disposition.

14 (d) The character and amount of any settlement made  
15 as to each party litigant, but preserving the  
16 confidentiality of such information if the settlement is not  
17 otherwise public.

18 (e) The character and amount of any judgments  
19 rendered by court and jury trials for comparison with  
20 settled cases.

21 (f) The extent to which damages prayed for compare  
22 to settlement or judgment in character and amount.

23 (g) The extent to which collateral sources have  
24 contributed, or will contribute, financially to satisfaction  
25 of the judgment or settlement.

26 Provision for the uniform entry, storage, and retrieval  
27 of court data may be by use of litigant statements or  
28 forms, if available, or by collection and analysis of  
29 statistically reliable samples.

30 The Judicial Council shall report to the Legislature on  
31 or before January 1, 1998, and annually thereafter on the  
32 uniform entry, storage, and retrieval of court data as  
33 provided for in this section. The Legislature shall evaluate  
34 and adjust the level of funds available to pay the costs of  
35 automating trial court recordkeeping systems, pursuant  
36 to Section 68090.8, for noncompliance with the  
37 requirements of this section.

38 SEC. 33.6. Section 68547 of the Government Code is  
39 amended to read:

1 68547. (a) For the purposes of this article, a judge is  
2 deemed to serve or sit under assignment on each day  
3 during which it is necessary for him or her on account of  
4 the assignment to serve in a substantial way on the court  
5 to which assigned, to travel to or from such court, or to be  
6 absent from his or her residence. If a judge so serves  
7 under assignment in one or more courts during all days  
8 other than Saturdays, Sundays, and holidays in any period  
9 of 30 or more consecutive days (inclusive of Saturdays,  
10 Sundays, and holidays), he or she shall be deemed also to  
11 have served or sat in such court or courts on all Saturdays,  
12 Sundays, and holidays during or immediately preceding  
13 that period.

14 (b) A judge of a municipal court is deemed to have  
15 served under assignment in the superior court on any day  
16 when both of the following applies:

17 (1) A cross-assignment issued by the Chief Justice is in  
18 effect and the judge's workload is assigned pursuant to a  
19 judicial and administrative coordination plan approved  
20 by the Judicial Council pursuant to procedures set forth  
21 in rules of court and consistent with Section 68112.

22 (2) The Judicial Council has certified that cases in the  
23 court's jurisdiction are assigned pursuant to a uniform  
24 countywide or regional system for assignment of cases  
25 among superior and municipal courts which maximizes  
26 the utilization of all judicial officers in that county or  
27 region.

28 (c) The Judicial Council shall adopt rules as necessary  
29 to implement this section, including criteria for approval  
30 of judicial and administrative coordination plans.

31 (d) If a judge who serves his or her court on a part-time  
32 basis has completed the business of the home court for all  
33 days affected by any assignment, compensation  
34 attributable to the home court shall only be deducted  
35 from the amounts to be paid pursuant to Section 68540.7  
36 for the days the judge is serving on assignment to the  
37 extent necessary to limit the assigned judge's total judicial  
38 compensation for the month to the amount earned by a  
39 regular judge of the court to which the judge is assigned.

(e) This section shall be repealed on January 1, 1999, unless a later enacted statute enacted before that date extends or deletes that date.

SEC. 33.8. Section 68547 is added to the Government Code, to read:

68547. (a) For the purposes of this article, a judge or justice is deemed to serve or sit under assignment on each day during which it is necessary for him or her on account of the assignment to serve on the court to which assigned, to travel to or from such court, or to be absent from his or her residence. If a judge so serves under assignment in one or more courts during all days other than Saturdays, Sundays, and holidays in any period of 30 or more consecutive days (inclusive of Saturdays, Sundays, and holidays), he or she shall be deemed also to have served or sat in such court or courts on all Saturdays, Sundays, and holidays during or immediately preceding that period.

If a judge who serves his or her court on a part-time basis has completed the business of the home court for all days affected by any assignment, compensation attributable to the home court shall only be deducted from the amounts to be paid pursuant to Section 68540.7 for the days the judge is serving on assignment to the extent necessary to limit the assigned judge's total judicial compensation for the month to the amount earned by a regular judge of the court to which the judge is assigned.

(b) This section shall become operative on January 1, 1999.

SEC. 34. Section 71383 of the Government Code is repealed.

SEC. 35. Section 71383 is added to the Government Code, to read:

71383. As used in Section 71002, "board of supervisors" means county or city and county.

SEC. 36. Section 72054 of the Government Code is amended to read:

72054. Except as otherwise provided by law, the clerk of the court shall charge the fees prescribed by this article, and the fees prescribed by Sections 26823, 26828,

1 26829, 26830, 26831, 26832.1, 26833.1, 26834, 26836.1,  
2 26837.1, 26839, 26850.1, 26851.1, 26852.1, 26853.1, 26854,  
3 26855.4, and 26863 for all services to be performed.

4 SEC. 37. Section 72055 of the Government Code is  
5 amended to read:

6 72055. The total fee for filing of the first paper in a civil  
7 action or proceeding in the municipal court, shall be  
8 ninety dollars (\$90), except that in cases where the  
9 amount demanded, excluding attorney's fees and costs, is  
10 ten thousand dollars (\$10,000) or less, the fee shall be  
11 eighty-three dollars (\$83). The amount of the demand  
12 shall be stated on the first page of the paper immediately  
13 below the caption.

14 This section applies to the initial complaint, petition, or  
15 application, and any papers transmitted from another  
16 court on the transfer of a civil action or proceeding, but  
17 does not include documents filed pursuant to Section  
18 491.150, 704.750, or 708.160 of the Code of Civil Procedure.

19 The term "total fee" as used in this section and Section  
20 72056 includes any amount allocated to the Judges'  
21 Retirement Fund pursuant to Section 72056.1, any  
22 automation fee imposed pursuant to Section 68090.7, any  
23 construction fee imposed pursuant to Section 76238, and  
24 the law library fee established pursuant to Article 2  
25 (commencing with Section 6320) of Chapter 5 of Division  
26 3 of the Business and Professions Code. The term "total  
27 fee" as used in Section 72056 includes any dispute  
28 resolution fee imposed pursuant to Section 470.3 of the  
29 Business and Professions Code. The term "total fee" as  
30 used in this section also includes any dispute resolution  
31 fee imposed pursuant to Section 470.3 of the Business and  
32 Professions Code, but the board of supervisors of each  
33 county may exclude any portion of this dispute resolution  
34 fee from the term "total fee."

35 The fee shall be waived in any action for damages  
36 against a defendant, based upon the defendant's  
37 commission of a felony offense, upon presentation to the  
38 clerk of the court of a certified copy of the abstract of  
39 judgment of conviction of the defendant of the felony  
40 giving rise to the claim for damages. If the plaintiff would

1 have been entitled to recover those fees from the  
2 defendant had they been paid, the court may assess the  
3 amount of the waived fees against the defendant and  
4 order the defendant to pay that sum to the county.

5 SEC. 38. Section 72056.01 is added to the Government  
6 Code, to read:

7 72056.01. (a) The fee for filing an amended  
8 complaint or amendment to a complaint in a civil action  
9 of proceeding in the municipal court is forty-five dollars  
10 (\$45).

11 (b) The fee for filing a cross-complaint, amended  
12 cross-complaint or amendment to a cross-complaint in a  
13 civil action or proceeding in the municipal court is  
14 forty-five dollars (\$45).

15 (c) A party shall not be required to pay the fee  
16 provided by this section for an amended complaint,  
17 amendment to a complaint, amended cross-complaint or  
18 amendment to a cross-complaint more than one time in  
19 any action.

20 (d) The fee provided by this section shall not apply to  
21 either of the following:

22 (1) An amended pleading or amendment to a pleading  
23 ordered by the court to be filed.

24 (2) An amended pleading or amendment to a pleading  
25 that only names previously fictitiously named defendants.

26 SEC. 39. Section 72060 of the Government Code is  
27 amended to read:

28 72060. The fee for a certificate and transmitting  
29 transcript and papers on appeal is ten dollars (\$10).  
30 Notwithstanding Section 68085, six dollars (\$6) of the fee  
31 authorized in this section shall be deposited in the county  
32 general fund for use as county general fund revenue.

33 SEC. 40. Section 76000 of the Government Code is  
34 amended to read:

35 76000. (a) In each county there shall be levied an  
36 additional penalty of seven dollars (\$7) for every ten  
37 dollars (\$10) or fraction thereof which shall be collected  
38 together with and in the same manner as the amounts  
39 established by Section 1464 of the Penal Code, upon every  
40 fine, penalty, or forfeiture imposed and collected by the

1 courts for criminal offenses, including all offenses  
2 involving a violation of the Vehicle Code or any local  
3 ordinance adopted pursuant to the Vehicle Code, except  
4 parking offenses subject to Article 3 (commencing with  
5 Section 40200) of Chapter 1 of Division 17 of the Vehicle  
6 Code. These moneys shall be taken from fines and  
7 forfeitures deposited with the county treasurer prior to  
8 any division pursuant to Section 1463 of the Penal Code.

9 The county treasurer shall deposit those amounts  
10 specified by the board of supervisors by resolution in one  
11 or more of the funds established pursuant to this chapter.  
12 However, deposits to these funds shall continue through  
13 whatever period of time is necessary to repay any  
14 borrowings made by the county on or before January 1,  
15 1991, to pay for construction provided for in this chapter.

16 (b) In each authorized county, provided that the  
17 board of supervisors has adopted a resolution stating that  
18 the implementation of this subdivision is necessary to the  
19 county for the purposes authorized, with respect to each  
20 authorized fund established pursuant to Section 76100 or  
21 76101, for every parking offense where a parking penalty,  
22 fine, or forfeiture is imposed, an added penalty of two  
23 dollars and fifty cents (\$2.50) shall be included in the total  
24 penalty, fine, or forfeiture. Except as provided in  
25 subdivision (c), for each parking case collected in the  
26 courts of the county, the county treasurer shall place in  
27 each authorized fund two dollars and fifty cents (\$2.50).  
28 These moneys shall be taken from fines and forfeitures  
29 deposited with the county treasurer prior to any division  
30 pursuant to Section 1462.3 or 1463.009 of the Penal Code.  
31 The judges of the county shall increase the bail schedule  
32 amounts as appropriate to reflect the added penalty  
33 provided for by this section. In those cities, districts, or  
34 other issuing agencies which elect to accept parking  
35 penalties, and otherwise process parking violations  
36 pursuant to Article 3 (commencing with Section 40200)  
37 of Chapter 1 of Division 17 of the Vehicle Code, that city,  
38 district, or issuing agency shall observe the increased bail  
39 amounts as established by the court reflecting the added  
40 penalty provided for by this section. Each agency which



1 elects to process parking violations shall pay to the county  
2 treasurer two dollars and fifty cents (\$2.50) for each fund  
3 for each parking penalty collected on each violation  
4 which is not filed in court. Those payments to the county  
5 treasurer shall be made monthly, and the county  
6 treasurer shall deposit all those sums in the authorized  
7 fund. No issuing agency shall be required to contribute  
8 revenues to any fund in excess of those revenues  
9 generated from the surcharges established in the  
10 resolution adopted pursuant to this chapter, except as  
11 otherwise agreed upon by the local governmental entities  
12 involved.

13 (c) The county treasurer shall deposit one dollar (\$1)  
14 of every two dollars and fifty cents (\$2.50) collected  
15 pursuant to subdivision (b) into the general fund of the  
16 county.

17 SEC. 41. Section 76224 is added to the Government  
18 Code, to read:

19 76224. Deposits to the Courthouse Construction Fund  
20 established in Merced County pursuant to Section 76100  
21 shall continue through and including the 25th year after  
22 the initial year in which the surcharge is collected or the  
23 25th year after any borrowings are made for any  
24 construction under that section, whichever comes later.

25 SEC. 42. Section 77001 is added to the Government  
26 Code, to read:

27 77001. On or before July 1, 1998, the Judicial Council  
28 shall promulgate rules which establish a decentralized  
29 system of trial court management. These rules shall  
30 ensure:

31 (a) Local authority and responsibility of trial courts to  
32 manage day-to-day operations.

33 (b) Countywide administration of the trial courts.

34 (c) The authority and responsibility of trial courts to  
35 manage all of the following, consistent with statute, rules  
36 of court, and standards of judicial administration:

37 (1) Annual allocation of funding, including the  
38 authority to move funding between functions or line  
39 items.

(2) Local personnel systems, including the promulgation of personnel policies.

(3) Processes and procedures to improve court operations and responsiveness to the public.

(4) The trial courts of each county shall establish the means of selecting presiding judges, assistant presiding judges, executive officers or court administrators, clerks of court, and jury commissioners.

(d) Trial court input into the Judicial Council budget process.

(e) Equal access to justice throughout California utilizing standard practices and procedures whenever feasible.

SEC. 43. Section 77003 of the Government Code is amended to read:

77003. (a) As used in this chapter, “court operations” means all of the following:

(1) Salaries, benefits, and public agency retirement contributions for superior and municipal court judges and for subordinate judicial officers. *For purposes of this paragraph, “subordinate judicial officers” include all commissioner or referee positions created prior to July 1, 1997, including those commissioner positions created pursuant to Sections 69904, 70141, 70141.9, 70142.11, 72607, 73794, 74841.5, and 74908; and includes any staff who provide direct support to commissioners; but does not include commissioners or staff who provide direct support to the commissioners whose positions were created after July 1, 1997, unless approved by the Judicial Council, subject to availability of funding.*

(2) The salary, benefits, and public agency retirement contributions for other court staff including all municipal court staff positions specifically prescribed by statute.

(3) Those marshals, constables, and sheriffs as the court deems necessary for court operations.

(4) Court-appointed counsel in juvenile court dependency proceedings and counsel appointed by the court to represent a minor pursuant to Chapter 10 (commencing with Section 3150) of Part 2 of Division 8 of the Family Code.

1 (5) Services and supplies relating to court operations.

2 (6) Collective bargaining under the  
3 Meyers-Milias-Brown Act with respect to court  
4 employees specified in Section 3501.5.

5 (7) Actual indirect costs for county and city and  
6 county general services attributable to court operations,  
7 but specifically excluding, but not limited to, law library  
8 operations conducted by a trust pursuant to statute;  
9 courthouse construction; district attorney services;  
10 probation services; indigent criminal defense; grand jury  
11 expenses and operations; and pretrial release services.

12 (b) However, “court operations” does not include  
13 collection enhancements as defined in Rule 810 of the  
14 California Rules of Court as it read on July 1, 1996.

15 SEC. 44. Section 77009 is added to the Government  
16 Code, to read:

17 77009. (a) For the purposes of funding trial court  
18 operations, each board of supervisors shall establish in the  
19 county treasury a Trial Court Operations Fund, which  
20 will operate as a special revenue fund. All funds  
21 appropriated in the Budget Act and allocated and  
22 reallocated to each court in the county by the Judicial  
23 Council shall be deposited into the fund. Accounts shall  
24 be established in the Trial Court Operations Fund for  
25 each trial court in the county, except that one account  
26 may be established for courts which have a unified  
27 budget. In a county where court budgets include  
28 appropriations for expenditures administered on a  
29 countywide basis, including, but not limited to, court  
30 security, centralized data-processing and planning and  
31 research services, an account for each centralized service  
32 shall be established and funded from those  
33 appropriations.

34 (b) The moneys of the Trial Court Operations Fund  
35 arising from deposits of funds appropriated in the Budget  
36 Act and allocated or reallocated to each court in the  
37 county by the Judicial Council shall be payable only for  
38 the purposes set forth in Sections 77003 and 77006.5, and  
39 for services purchased by the court pursuant to  
40 subdivisions (b) and (c) of Section 77212. The presiding

1 judge of each court in a county, or his or her designee,  
2 shall authorize and direct expenditures from the fund and  
3 the county auditor-controller shall make payments from  
4 the funds as directed. Approval of the board of  
5 supervisors is not required for expenditure from this  
6 fund.

7 (c) Interest received by a county which is attributable  
8 to investment of money required by this section to be  
9 deposited in its Trial Court Operations Fund shall be  
10 deposited in the fund and shall be used for trial court  
11 operations purposes.

12 (d) In no event shall interest be charged to the Trial  
13 Court Operations Fund.

14 (e) Reasonable administrative expenses incurred by  
15 the county associated with the operation of this fund shall  
16 be charged to each court on a pro rata basis in proportion  
17 to the total amount allocated to each court in this fund.

18 (f) A county, or city and county, may bill trial courts  
19 within its jurisdiction for costs for services provided by  
20 the county, or city and county, as described in Sections  
21 77003 and 77212, including indirect costs as described in  
22 paragraph (7) of subdivision (a) of Section 77003 and  
23 Section 77212. The costs billed by the county, or the city  
24 and the county, pursuant to this subdivision shall not  
25 exceed the costs incurred by the county, or the city and  
26 the county, of providing similar services to county  
27 departments or special districts.

28 (g) Pursuant to Section 77206, the Controller, at the  
29 request of the Legislature or the Judicial Council, may  
30 perform financial and fiscal compliance audits of this  
31 fund.

32 (h) The Judicial Council with the concurrence of the  
33 Department of Finance and the Controller's office shall  
34 establish procedures to implement the provisions of this  
35 section and to provide for payment of trial court  
36 operations expenses, as described in Sections 77003 and  
37 77006.5, incurred on July 1, 1997, and thereafter.

38 (i) The Judicial Council shall study alternative  
39 methods for the establishment and management of the  
40 Trial Court Operations Fund as provided in this section,

1 and shall report its findings and recommendations to the  
2 Legislature not later than November 1, 1998.

3 SEC. 45. Article 3 (commencing with Section 77200)  
4 of Chapter 13 of Title 8 of the Government Code is  
5 repealed.

6 SEC. 46. Article 3 (commencing with Section 77200)  
7 is added to Chapter 13 of Title 8 of the Government Code,  
8 to read:

9

10 Article 3. State Finance Provisions

11

12 77200. On and after July 1, 1997, the state shall assume  
13 sole responsibility for the funding of court operations, as  
14 defined in Section 77003 and Rule 810 of the California  
15 Rules of Court as it read on July 1, 1996. In meeting this  
16 responsibility, the state shall do all of the following:

17 (a) Deposit in the State Trial Court Trust Fund, for  
18 subsequent allocation to or for the trial courts, all county  
19 funds remitted to the state pursuant to Section 77201.

20 (b) Be responsible for the cost of court operations  
21 incurred by the trial courts in the 1997–98 fiscal year and  
22 subsequent fiscal years.

23 (c) Allocate funds to the individual trial courts  
24 pursuant to an allocation schedule adopted by the Judicial  
25 Council, but in no case shall the amount allocated to the  
26 trial courts of a county be less than the amount remitted  
27 to the state by the county in which those courts are  
28 located pursuant to paragraphs (1) and (2) of subdivision  
29 (b) of Section 77201.

30 (d) The Judicial Council shall submit its allocation  
31 schedule to the Controller at least 15 days before the due  
32 date of any allocation.

33 77201. (a) Commencing on July 1, 1997, no county  
34 shall be responsible for funding court operations, as  
35 defined in Section 77003 and Rule 810 of the California  
36 Rules of Court as it read on July 1, 1996.

37 (b) In the 1997–98 fiscal year, each county shall remit  
38 to the state in four equal installments due on January 1,  
39 April 1, and June 30, the amounts specified in paragraphs  
40 (1) and (2), as follows:



(1) Except as otherwise specifically provided in this section, each county shall remit to the state the amount listed below which is based on an amount expended by the respective county for court operations during the 1994–95 fiscal year:

Jurisdiction	Amount
Alameda .....	\$ 42,045,093
Alpine .....	46,044
Amador .....	900,196
Butte .....	2,604,611
Calaveras .....	420,893
Colusa .....	309,009
Contra Costa .....	21,634,450
Del Norte .....	780,786
El Dorado .....	3,888,927
Fresno .....	13,355,025
Glenn .....	371,607
Humboldt .....	2,437,196
Imperial .....	2,055,173
Inyo .....	546,508
Kern .....	16,669,917
Kings .....	2,594,901
Lake .....	975,311
Lassen .....	517,921
Los Angeles .....	291,872,379
Madera .....	1,242,968
Marin .....	6,837,518
Mariposa .....	177,880
Mendocino .....	1,739,605
Merced .....	1,363,409
Modoc .....	114,249
Mono .....	271,021
Monterey .....	5,739,655
Napa .....	2,866,986
Nevada .....	815,130
Orange .....	76,567,372
Placer .....	6,450,175
Plumas .....	413,368
Riverside .....	32,524,412

1	Sacramento .....	40,692,954
2	San Benito .....	460,552
3	San Bernardino .....	31,516,134
4	San Diego .....	77,637,904
5	San Francisco .....	31,142,353
6	San Joaquin .....	9,102,834
7	San Luis Obispo .....	6,840,067
8	San Mateo .....	20,383,643
9	Santa Barbara .....	10,604,431
10	Santa Clara .....	49,876,177
11	Santa Cruz .....	6,449,104
12	Shasta .....	3,369,017
13	Sierra .....	40,477
14	Siskiyou .....	478,144
15	Solano .....	10,780,179
16	Sonoma .....	9,273,174
17	Stanislaus .....	8,320,727
18	Sutter .....	1,718,287
19	Tehama .....	1,352,370
20	Trinity .....	620,990
21	Tulare .....	6,981,681
22	Tuolumne .....	1,080,723
23	Ventura .....	16,721,157
24	Yolo .....	2,564,985
25	Yuba .....	842,240

(2) Except as otherwise specifically provided in this section, each county shall also remit to the state the amount listed below which is based on an amount of fine and forfeiture revenue remitted to the state pursuant to Sections 27361 and 76000 of this code, Sections 1463.001 and 1464 of the Penal Code, and Sections 42007, 42007.1, and 42008 of the Vehicle Code during the 1994–95 fiscal year:

36	Jurisdiction	Amount
37	Alameda .....	\$12,769,882
38	Alpine .....	58,757
39	Amador .....	377,005
40	Butte .....	1,437,671

1	Calaveras .....	418,558
2	Colusa .....	485,040
3	Contra Costa .....	5,646,329
4	Del Norte .....	727,852
5	El Dorado .....	1,217,093
6	Fresno .....	4,505,786
7	Glenn .....	455,389
8	Humboldt .....	1,161,745
9	Imperial .....	1,350,760
10	Inyo .....	878,321
11	Kern .....	6,688,247
12	Kings .....	1,115,601
13	Lake .....	424,070
14	Lassen .....	513,445
15	Los Angeles .....	89,771,310
16	Madera .....	1,207,998
17	Marin .....	2,700,045
18	Mariposa .....	135,457
19	Mendocino .....	948,837
20	Merced .....	2,093,355
21	Modoc .....	122,156
22	Mono .....	415,136
23	Monterey .....	3,855,457
24	Napa .....	874,219
25	Nevada .....	1,378,796
26	Orange .....	24,830,542
27	Placer .....	2,182,230
28	Plumas .....	225,080
29	Riverside .....	13,328,445
30	Sacramento .....	<del>8,471,867</del>
31		7,548,829
32	San Benito .....	346,451
33	San Bernardino .....	11,694,120
34	San Diego .....	21,410,586
35	San Francisco .....	5,925,950
36	San Joaquin .....	4,753,688
37	San Luis Obispo .....	2,573,968
38	San Mateo .....	7,124,638
39	Santa Barbara .....	4,094,288



1	Santa Clara .....	15,561,983
2	Santa Cruz .....	2,267,327
3	Shasta .....	1,198,773
4	Sierra .....	46,778
5	Siskiyou .....	801,329
6	Solano .....	3,757,059
7	Sonoma .....	2,851,883
8	Stanislaus .....	2,669,045
9	Sutter .....	802,574
10	Tehama .....	761,188
11	Trinity .....	137,087
12	Tulare .....	2,299,167
13	Tuolumne .....	440,496
14	Ventura .....	6,129,411
15	Yolo .....	1,516,065
16	Yuba .....	402,077

17

18 (3) Except as otherwise specifically provided in this  
19 section, county remittances specified in paragraphs (1)  
20 and (2) shall not be increased in subsequent years.

21 (4) Any change in statute or rule of court that either  
22 reduces the bail schedule or redirects or reduces a  
23 county's portion of fee, fine, and forfeiture revenue to an  
24 amount that is less than (A) the fees, fines, and forfeitures  
25 retained by that county and (B) the county's portion of  
26 fines and forfeitures transmitted to the state in the  
27 1994–95 fiscal year, shall reduce that county's remittance  
28 specified in paragraph (2) of this subdivision by an equal  
29 amount. Nothing in this paragraph is intended to limit  
30 judicial sentencing discretion.

31 (c) The Department of Finance shall adjust the  
32 amount specified in paragraph (1) of subdivision (b) that  
33 a county is required to submit to the state, pursuant to the  
34 following procedures:

35 (1) A county may submit a declaration to the  
36 Department of Finance, no later than February 15, 1998,  
37 that declares that (A) the county incorrectly reported  
38 county costs as court operations costs as defined in Section  
39 77003 in the 1994–95 fiscal year, and that incorrect report  
40 resulted in the amount the county is required to submit



1 to the state pursuant to paragraph (1) of subdivision (b)  
2 being too high, (B) the amount the county is required to  
3 submit to the state pursuant to paragraph (1) of  
4 subdivision (b) includes amounts that were specifically  
5 appropriated, funded and expended by a county or city  
6 and county during fiscal year 1994–95 to fund  
7 extraordinary one-time expenditures for court operation  
8 costs, or (C) the amount the county is required to submit  
9 to the state pursuant to paragraph (1) of subdivision (b)  
10 includes expenses that were funded from grants or  
11 subventions from any source, for court operation costs  
12 that could not have been funded without those grants or  
13 subventions being available. A county submitting that  
14 declaration shall concurrently transmit a copy of the  
15 declaration to the courts of that county. The trial courts  
16 in a county that submits that declaration shall have the  
17 opportunity to comment to the Department of Finance  
18 on the validity of the statements in the declaration. Upon  
19 receipt of the declaration and comments, if any, the  
20 Department of Finance shall determine and certify  
21 which costs identified in the county's declaration were  
22 incorrectly reported as court operation costs or were  
23 expended for extraordinary one-time expenditures or  
24 funded from grants or subventions in the 1994–95 fiscal  
25 year. The Department of Finance shall reduce the  
26 amount a county must submit to the state pursuant to  
27 paragraph (1) of subdivision (b) by an amount equal to  
28 the amount the department certifies was incorrectly  
29 reported as court operations costs or were expended for  
30 extraordinary one-time expense or funded from grants or  
31 subventions in the 1994–95 fiscal year. If a county  
32 disagrees with the Department of Finance's failure to  
33 verify the facts in the county's declaration and reduce the  
34 amount the county is required to submit to the state  
35 pursuant to paragraph (1) of subdivision (b), the county  
36 may request that the Controller conduct an audit to  
37 verify the facts in the county's declaration. The  
38 Controller shall conduct the requested audit, which shall  
39 be at the requesting county's expense. If the Controller's  
40 audit verifies the facts in the county's declaration, the

1 department shall reduce the amount the county is  
2 required to submit to the state pursuant to paragraph (1)  
3 of subdivision (b) by an amount equal to the amount  
4 verified by the Controller's audit and the state shall  
5 reimburse the requesting county for the cost of the audit.  
6 A county shall provide, at no charge to the court, any  
7 service for which the amount in paragraph (1) of  
8 subdivision (b) was adjusted downward, if the county is  
9 required to provide that service at no cost to the court by  
10 any other provision of law.

11 (2) A court may submit a declaration to the  
12 Department of Finance, no later than February 15, 1998,  
13 that the county failed to report county costs as court  
14 operations costs as defined in Section 77003 in the 1994-95  
15 fiscal year, and that this failure resulted in the amount the  
16 county is required to submit to the state pursuant to  
17 paragraph (1) of subdivision (b) being too low. A court  
18 submitting that declaration shall concurrently transmit a  
19 copy of the declaration to the county. A county shall have  
20 the opportunity to comment to the Department of  
21 Finance on the validity of statements in the declaration  
22 and comments, if any. Upon receipt of the declaration,  
23 the Department of Finance shall determine and certify  
24 which costs identified in the court's declaration should  
25 have been reported by the county as court operation costs  
26 in the 1994-95 fiscal year and whether this failure resulted  
27 in the amount the county is required to submit to the state  
28 pursuant to paragraph (1) of subdivision (b) being too  
29 low. The Department of Finance shall notify the county,  
30 trial courts in the county, and the Judicial Council of its  
31 certification and decision. Within 30 days, or on or before  
32 June 30, 1998, whichever is later, the county shall either  
33 notify the Department of Finance, trial courts in the  
34 county, and the Judicial Council that the county shall  
35 assume responsibility for the costs the county has failed to  
36 report or that the department shall increase the amount  
37 the county is required to submit to the state pursuant to  
38 paragraph (1) of subdivision (b) by an amount equal to  
39 the amount certified by the department. A county shall  
40 not be required to continue to provide services for which

1 the amount in paragraph (1) of subdivision (b) was  
2 adjusted upward.

3 (3) A county shall submit a declaration to the  
4 Department of Finance, no later than February 15, 1998,  
5 that the amount it is required to submit to the state  
6 pursuant to paragraph (1) of subdivision (b) either  
7 includes or does not include the costs for local judicial  
8 benefits which are court operation costs as defined in  
9 Section 77003 and Rule 810 of the California Rules of  
10 Court. The trial courts in a county that submits such a  
11 declaration shall be given a copy of the declaration and  
12 the opportunity to comment on the validity of the  
13 statements in the declaration. The Department of  
14 Finance shall verify the facts in the county's declaration  
15 and comments, if any, within 30 days of receipt of the  
16 declaration and, upon verification that the amount the  
17 county is required to submit to the state includes the costs  
18 of local judicial benefits, the department shall reduce the  
19 amount the county is required to submit to the state  
20 pursuant to paragraph (1) of subdivision (b) by an  
21 amount equal to the cost of those judicial benefits, in  
22 which case the county shall continue to be responsible for  
23 the cost of those benefits. If a county disagrees with the  
24 Department of Finance's failure to verify the facts in the  
25 county's declaration and reduce the amount the county  
26 is required to submit to the state pursuant to paragraph  
27 (1) of subdivision (b), the county may request that the  
28 Controller conduct an audit to verify the facts in the  
29 county's declaration. The Controller shall conduct the  
30 requested audit which shall be at the requesting county's  
31 expense. If the Controller's audit verifies the facts in the  
32 county's declaration, the department shall reduce the  
33 amount the county is required to submit to the state  
34 pursuant to paragraph (1) of subdivision (b) by an  
35 amount equal to the amount verified by the Controller's  
36 audit and the state shall reimburse the requesting county  
37 for the cost of the audit.

38 (d) Nothing in this section is intended to relieve a  
39 county of the responsibility to provide necessary and  
40 suitable court facilities pursuant to Section 68073.

1 (e) Nothing in this section is intended to relieve a  
2 county of the responsibility for justice-related expenses  
3 not included in Section 77003 which are otherwise  
4 required of the county by law, including, but not limited  
5 to, indigent defense representation and investigation,  
6 and payment of youth authority charges.

7 (f) The Department of Finance shall notify the  
8 county, trial courts in the county, and Judicial Council of  
9 the final decision and resulting adjustment.

10 ~~(g) Commencing July 1, 1998, the amount each county~~  
11 ~~with a population of less than 60,000, as of January 1, 1997,~~  
12 ~~is required to remit to the state pursuant to paragraph (1)~~  
13 ~~of subdivision (b) shall be reduced to zero, except for a~~  
14 ~~county whose courts do not have a coordination plan that~~  
15 ~~has been approved by the Judicial Council pursuant to~~  
16 ~~Section 68112 and in full operation by July 1, 1998.~~

17 ~~(h)~~

18 (g) On or before February 15, 1998, each county shall  
19 submit to the Department of Finance a report of the  
20 amount it expended for trial court operations as defined  
21 in Section 77003 and Rule 810 of the California Rules of  
22 Court as it read on July 1, 1996, between the start of the  
23 1997–98 fiscal year and the effective date of this section.  
24 The department shall reduce the amount a county is  
25 required to remit to the state pursuant to paragraph (1)  
26 of subdivision (b) in the 1997–98 fiscal year by an amount  
27 equal to the amount a county expended for court  
28 operation costs between the start of the 1997–98 fiscal  
29 year and the effective date of this section. *The*  
30 *department shall also reduce the amount a county is*  
31 *required to remit to the state pursuant to paragraph (2)*  
32 *of subdivision (b) in the 1997–98 fiscal year by an amount*  
33 *equal to the amount of fine and forfeiture revenue that*  
34 *a county remitted to the state between the start of the*  
35 *1997–98 fiscal year and the effective date of this section.*

36 The department shall notify the county, the trial courts  
37 of the county, and the Judicial Council of the amount it  
38 has reduced a county's obligation to remit to the state  
39 pursuant to this subdivision.

40 ~~(i)~~

(h) This section shall be repealed on July 1, 1998, unless a later-enacted statute, enacted before that date extends or deletes that date.

77201.1. (a) Commencing on July 1, 1997, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996.

(b) Commencing in the 1998–99 fiscal year, and each fiscal year thereafter, each county shall remit to the state in four equal installments due on October 1, January 1, April 1, and July 1, the amounts specified in paragraphs (1) and (2), as follows:

(1) Except as otherwise specifically provided in this section, each county shall remit to the state the amount listed below which is based on an amount expended by the respective county for court operations during the 1994–95 fiscal year:

Jurisdiction	Amount
Alameda .....	\$ 29,554,276
Alpine .....	—
Amador .....	—
Butte .....	2,188,561
Calaveras .....	—
Colusa .....	—
Contra Costa .....	14,553,828
Del Norte .....	—
El Dorado .....	2,642,828
Fresno .....	11,220,322
Glenn .....	—
Humboldt .....	2,023,135
Imperial .....	1,855,173
Inyo .....	—
Kern .....	12,237,358
Kings .....	1,981,326
Lake .....	—
Lassen .....	—
Los Angeles .....	200,596,408
Madera .....	1,042,967
Marin .....	4,727,855

1	Mariposa .....	—
2	Mendocino .....	1,539,605
3	Merced .....	1,163,409
4	Modoc .....	—
5	Mono .....	—
6	Monterey .....	5,539,656
7	Napa .....	2,131,045
8	Nevada .....	615,130
9	Orange .....	52,341,395
10	Placer .....	3,928,394
11	Plumas .....	—
12	Riverside .....	21,226,163
13	Sacramento .....	25,798,064
14	San Benito .....	—
15	San Bernardino .....	22,536,554
16	San Diego .....	50,764,874
17	San Francisco .....	20,731,433
18	San Joaquin .....	7,129,952
19	San Luis Obispo .....	4,447,550
20	San Mateo .....	13,179,481
21	Santa Barbara .....	7,516,435
22	Santa Clara .....	32,910,617
23	Santa Cruz .....	4,634,736
24	Shasta .....	2,750,564
25	Sierra .....	—
26	Siskiyou .....	—
27	Solano .....	6,975,509
28	Sonoma .....	6,724,289
29	Stanislaus .....	5,872,184
30	Sutter .....	1,388,808
31	Tehama .....	—
32	Trinity .....	—
33	Tulare .....	5,252,388
34	Tuolumne .....	—
35	Ventura .....	11,392,454
36	Yolo .....	2,364,984
37	Yuba .....	—

(2) Except as otherwise specifically provided in this section, each county shall also remit to the state the

1 amount listed below which is based on an amount of fine  
 2 and forfeiture revenue remitted to the state pursuant to  
 3 Sections 27361 and 76000 of this code, Sections 1463.001  
 4 and 1464 of the Penal Code, and Sections 42007, 42007.1,  
 5 and 42008 of the Vehicle Code during the 1994–95 fiscal  
 6 year:

7		
8	Jurisdiction	Amount
9	Alameda .....	\$ 9,912,156
10	Alpine .....	58,757
11	Amador .....	265,707
12	Butte .....	1,217,052
13	Calaveras .....	310,331
14	Colusa .....	397,468
15	Contra Costa .....	4,168,194
16	Del Norte .....	553,730
17	El Dorado .....	1,028,349
18	Fresno .....	3,695,633
19	Glenn .....	360,974
20	Humboldt .....	1,025,583
21	Imperial .....	1,144,661
22	Inyo .....	614,920
23	Kern .....	5,530,972
24	Kings .....	982,208
25	Lake .....	375,570
26	Lassen .....	430,163
27	Los Angeles .....	71,002,129
28	Madera .....	1,042,797
29	Marin .....	2,111,712
30	Mariposa .....	135,457
31	Mendocino .....	755,680
32	Merced .....	1,733,156
33	Modoc .....	104,729
34	Mono .....	415,136
35	Monterey .....	3,330,125
36	Napa .....	721,437
37	Nevada .....	1,220,686
38	Orange .....	19,572,810
39	Placer .....	1,243,754
40	Plumas .....	193,772



1	Riverside .....	7,681,744
2	Sacramento .....	6,440,273
3	San Benito .....	302,324
4	San Bernardino .....	9,092,380
5	San Diego .....	16,166,735
6	San Francisco .....	4,046,107
7	San Joaquin .....	3,562,835
8	San Luis Obispo .....	2,036,515
9	San Mateo .....	4,831,497
10	Santa Barbara .....	3,277,610
11	Santa Clara .....	11,597,583
12	Santa Cruz .....	1,902,096
13	Shasta .....	1,044,700
14	Sierra .....	42,533
15	Siskiyou .....	615,581
16	Solano .....	3,011,833
17	Sonoma .....	2,316,999
18	Stanislaus .....	1,855,169
19	Sutter .....	678,681
20	Tehama .....	640,303
21	Trinity .....	137,087
22	Tulare .....	1,840,422
23	Tuolumne .....	361,665
24	Ventura .....	4,575,349
25	Yolo .....	1,158,629
26	Yuba .....	318,242

27

28 (3) Except as otherwise specifically provided in this  
 29 section, county remittances specified in paragraphs (1)  
 30 and (2) shall not be increased in subsequent years.

31 (4) *The amount a county is required to remit pursuant*  
 32 *to paragraph (1) shall be adjusted by the amount equal*  
 33 *to any adjustment resulting from the procedures in*  
 34 *subdivision (c) of Section 77201 as it read on June 29, 1998.*

35 (5) Any change in statute or rule of court that either  
 36 reduces the bail schedule or redirects or reduces a  
 37 county's portion of fee, fine, and forfeiture revenue to an  
 38 amount that is less than (A) the fees, fines, and forfeitures  
 39 retained by that county and (B) the county's portion of  
 40 fines and forfeitures transmitted to the state in the



1 1994–95 fiscal year, shall reduce that county’s remittance  
2 specified in paragraph (2) of this subdivision by an equal  
3 amount. Nothing in this paragraph is intended to limit  
4 judicial sentencing discretion.

5 (c) Nothing in this section is intended to relieve a  
6 county of the responsibility to provide necessary and  
7 suitable court facilities pursuant to Section 68073.

8 (d) Nothing in this section is intended to relieve a  
9 county of the responsibility for justice-related expenses  
10 not included in Section 77003 which are otherwise  
11 required of the county by law, including, but not limited  
12 to, indigent defense representation and investigation,  
13 and payment of youth authority charges.

14 (e) County base-year remittance requirements  
15 specified in paragraph (2) of subdivision (b) incorporate  
16 specific reductions to reflect those instances where the  
17 Department of Finance has determined that a county’s  
18 remittance to both the General Fund and the Trial Court  
19 Trust Fund during the 1994–95 fiscal year exceeded the  
20 aggregate amount of state funding from the General  
21 Fund and the Trial Court Trust Fund. The amount of the  
22 reduction was determined by calculating the difference  
23 between the amount the county remitted to the General  
24 Fund and the Trial Court Trust Fund and the aggregate  
25 amount of state support from the General Fund and the  
26 Trial Court Trust Fund allocated to the county’s trial  
27 courts. In making its determination of whether a county  
28 is entitled to a reduction pursuant to that paragraph, the  
29 Department of Finance subtracted from county revenues  
30 remitted to the state, all moneys derived from the fee  
31 required by Section 42007.1 of the Vehicle Code and the  
32 parking surcharge required by subdivision (c) of Section  
33 76000.

34 (f) Notwithstanding subdivision (e), the Department  
35 of Finance shall not reduce a county’s base-year  
36 remittance requirement, as specified in paragraph (2) of  
37 subdivision (b), if the county’s trial court funding  
38 allocation was modified pursuant to the amendments to  
39 the allocation formula set forth in paragraph (4) of  
40 subdivision (d) of Section 77200, as amended by Chapter



1 2 of the Statutes of 1993, to provide a stable level of  
2 funding for small county courts in response to reductions  
3 in the State General Fund support for the trial courts.

4 (g) The Department of Finance shall notify the  
5 county, trial courts in the county, and Judicial Council of  
6 the final decision and resulting adjustment.

7 (h) This section shall become operative on July 1, 1998.

8 77202. (a) The Legislature shall make an annual  
9 appropriation to the Judicial Council for the general  
10 operations of the trial courts based on the  
11 recommendations of the Trial Court Budget Commission,  
12 as approved by the Judicial Council, as specified in  
13 paragraph (4) of subdivision (a) of Section 68502.5. The  
14 Judicial Council's trial court budget request shall meet  
15 the needs of all trial courts in a manner which promotes  
16 equal access to the courts statewide. The Judicial Council  
17 shall allocate the appropriation to the trial courts in a  
18 manner that best ensures the ability of the courts to carry  
19 out their functions, promotes implementation of  
20 statewide policies, and promotes the immediate  
21 implementation of efficiencies and cost saving measures  
22 in court operations, in order to guarantee access to justice  
23 to citizens of the state.

24 The Judicial Council shall ensure that the  
25 recommendations of the commission and the allocations  
26 made by the council reward each trial court's  
27 implementation of efficiencies and cost saving measures.

28 These efficiencies and cost saving measures shall  
29 include the following:

30 (1) The use of blanket cross-assignments allowing  
31 judges to hear civil, criminal, or other types of cases  
32 within the jurisdiction of another court.

33 (2) The coordinated or joint use of subordinate judicial  
34 officers to hear or try matters.

35 (3) The coordinated or joint use, sharing, or merger of  
36 court support staff among trial courts within a county or  
37 across counties.

38 (4) The assignment of civil, criminal, or other types of  
39 cases for hearing or trial, regardless of jurisdictional  
40 boundaries, to any available judicial officer.

1 (5) The assignment of any type of case to a judge for  
2 all purposes commencing with the filing of the case and  
3 regardless of jurisdictional boundaries.

4 (6) The establishment of a separate calendar or  
5 division to hear a particular type of case.

6 (7) In rural counties, the use of all court facilities for  
7 hearings and trials of all types of cases and the acceptance  
8 of filing documents in any case before any court in the  
9 county participating in the coordination plan.

10 (8) The coordinated or joint use of alternative dispute  
11 resolution programs, such as arbitration.

12 (9) The unification of the trial courts within a county  
13 to the maximum extent permitted by the Constitution.

14 (10) The development and use of joint automated  
15 accounting and case-processing systems.

16 (b) The Judicial Council shall promulgate rules  
17 governing practices and procedures for budgeting in the  
18 trial courts in a manner that best ensures the ability of the  
19 courts to carry out their functions. The Administrative  
20 Office of the Courts, after consultation with the  
21 Department of Finance, shall establish budget  
22 procedures and an annual schedule of budget  
23 development and management consistent with these  
24 rules.

25 77203. The Judicial Council may authorize a trial  
26 court to carry unexpended funds over from one fiscal year  
27 to the next, provided that the court carrying over the  
28 funds has fully implemented all provisions of Rule 991 of  
29 the California Rules of Court as it read on July 1, 1996,  
30 regarding trial court coordination.

31 77204. (a) The Judicial Council shall have the  
32 authority to allocate funds appropriated annually to the  
33 State Trial Court Trust Fund for the purpose of paying  
34 legal costs resulting from lawsuits or claims arising out of  
35 the actions or conduct of a trial court, trial court bench  
36 officer, or trial court employee, and for which the state is  
37 named as a defendant or alleged to be the responsible  
38 party.

39 (b) For the purposes of this section, legal costs are  
40 further defined to be (1) the state's portion of any

1 agreement, settlement decree, stipulation, or stipulated  
2 judgment in an action involving a trial court bench officer  
3 or employee, or challenging a California rule of court,  
4 form, local trial court rule or policy; (2) the state's portion  
5 of any judgment in an action involving a trial court bench  
6 officer or employee, or challenging a California rule of  
7 court, form, local trial court rule or policy; or (3) the  
8 state's portion of any attorneys' fees, legal assistant fees,  
9 and any litigation costs and expenses, including, but not  
10 limited to, experts' fees, incurred in an action involving  
11 a trial court bench officer or employee, or challenging a  
12 California rule of court, form, local trial court rule or  
13 policy.

14 77205. (a) Notwithstanding any other provision of  
15 law, in any year in which a county collects and remits fine  
16 and forfeiture revenue pursuant to Sections 1463.001,  
17 1463.07, and 1464 of the Penal Code and Sections 42007,  
18 42007.1, and 42008 of the Vehicle Code, and Sections 27361  
19 and 76000 of the Government Code that exceeds the  
20 amount specified in paragraph (2) of subdivision (b) of  
21 Section 77201, the excess amount shall be divided  
22 between the county or city and county and the state, with  
23 50 percent of the excess transferred to the state for  
24 deposit in the Trial Court Improvement Fund and 50  
25 percent of the excess being deposited into the county  
26 general fund. For the purpose of this subdivision, fine and  
27 forfeiture revenue shall not include revenue from  
28 penalty assessments.

29 (b) Any amounts required to be distributed to the  
30 state pursuant to subdivision (a) shall be remitted to the  
31 Controller no later than 45 days after the end of the fiscal  
32 year in which those fines and forfeitures were collected.  
33 This remittance shall be accompanied by a remittance  
34 advice identifying the quarter of collection and stating  
35 that the amount should be deposited in the Trial Court  
36 Improvement Fund.

37 (c) Subject to subdivisions (a) and (b), moneys in the  
38 Trial Court Improvement Fund shall be subject to  
39 expenditure pursuant to Section 77213.

1 77206. (a) The Judicial Council shall adopt  
2 appropriate rules for budget submission, budget  
3 management, and reporting of revenues and  
4 expenditures by each court. The Controller, in  
5 consultation with the Judicial Council, shall maintain  
6 appropriate regulations for recordkeeping and  
7 accounting by the courts, in order to determine all  
8 moneys collected by the courts, including filing fees,  
9 fines, forfeitures, and penalties, and all revenues and  
10 expenditures relating to court operations.

11 (b) Regulations, rules, and reporting requirements  
12 adopted pursuant to this chapter shall be exempt from  
13 review and approval or other processing by the Office of  
14 Administrative Law as provided for in Chapter 3.5  
15 (commencing with Section 11340) of Part 1 of Division 3  
16 of Title 2.

17 (c) The Controller, at the request of the Legislature or  
18 the Judicial Council, may perform and publish financial  
19 and fiscal compliance audits of the reports of court  
20 revenues and expenditures. The Controller shall report  
21 the results of these audits to the Legislature.

22 (d) The Judicial Council shall provide for the  
23 transmission of summary information concerning court  
24 revenues and expenditures to the Controller.

25 77207. The Legislature shall appropriate trial court  
26 funding. The Controller shall apportion trial court  
27 funding payments to the courts pursuant to an allocation  
28 schedule adopted by the Judicial Council in four  
29 quarterly installments. Beginning in the 1997–98 fiscal  
30 year, the Controller shall make quarterly apportionment  
31 payments on July 15, October 15, January 15, and April 15,  
32 provided, that if the operative date of this section is less  
33 than 10 days prior to July 1, 1997, or thereafter, the  
34 Controller shall make the first quarterly apportionment  
35 payment within 10 days of the operative date of this  
36 section. In subsequent fiscal years, payments shall be due  
37 ~~on July 1, October 1, January 1, and April 1.~~ *on July 15,*  
38 *October 15, January 15, and April 15.*

39 77208. Amounts appropriated in the annual Budget  
40 Act for assigned judges shall be transferred to the Judicial

1 Council on a monthly basis. The Judicial Council shall  
2 certify the amount expended for judicial assignment  
3 purposes monthly, and the Controller shall transfer to the  
4 Judicial Council the amount certified. The amounts so  
5 transferred by the Controller shall be credited to the  
6 appropriation available to the Judicial Council in  
7 augmentation of the Budget Act.

8 77209. (a) There is in the State Treasury the Trial  
9 Court Improvement Fund.

10 (b) The Judicial Council shall reserve funds for the  
11 following projects by allocating 1 percent of the annual  
12 appropriation for the trial courts to the Trial Court  
13 Improvement Fund as follows:

14 (1) At least one-half of 1 percent of the total  
15 appropriation for trial court operations shall be set aside  
16 as a reserve which shall not be allocated prior to March  
17 15 of each year unless allocated to a court or courts for  
18 urgent needs.

19 (2) Up to one-quarter of 1 percent of the total  
20 appropriation for trial court operations may be allocated  
21 from the fund to courts which have fully implemented  
22 the requirements of Rule 991 of the California Rules of  
23 Court, as it read on July 1, 1996, and which meet additional  
24 criteria as may be established by the Judicial Council.

25 (3) Up to one-quarter of 1 percent of the total  
26 appropriation for trial court operations may be allocated  
27 from the fund for statewide projects or programs for the  
28 benefit of the trial courts.

29 (c) Except as specified in this section, the funds in the  
30 Trial Court Improvement Fund shall be subject to  
31 expenditure as specified in Sections 77205 and 77213. Any  
32 funds in the Trial Court Improvement Fund that are  
33 unencumbered at the end of the fiscal year shall be  
34 reappropriated to the Trial Court Improvement Fund for  
35 the following fiscal year.

36 (d) Moneys deposited in the Trial Court  
37 Improvement Fund shall be placed in an interest bearing  
38 account. Any interest earned shall accrue to the fund and  
39 shall be disbursed pursuant to subdivision (e).

1 (e) Moneys deposited in the Trial Court Improvement  
2 Fund may be disbursed for purposes of this section.

3 (f) Moneys deposited in the Trial Court Improvement  
4 Fund pursuant to Section 68090.8 shall be allocated by the  
5 Judicial Council for automated recordkeeping system  
6 improvements pursuant to that section and in  
7 furtherance of Rule 991 of the California Rules of Court,  
8 as it read on July 1, 1996.

9 (g) Moneys deposited in the Trial Court Improvement  
10 Fund shall be administered by the Judicial Council. The  
11 Judicial Council may, with appropriate guidelines,  
12 delegate to the Administrative Office of the Courts the  
13 administration of the fund. Moneys in the fund may be  
14 expended to implement trial court projects approved by  
15 the Judicial Council. Expenditures may be made to  
16 vendors or individual trial courts that have the  
17 responsibility to implement approved projects.

18 (h) Notwithstanding other provisions of this section,  
19 the 2 percent automation fund moneys deposited in the  
20 Trial Court Improvement Fund pursuant to Section  
21 68090.8 shall be allocated by the Judicial Council to  
22 individual courts of the counties for deposit in the Trial  
23 Court Operations Fund of the county from which the  
24 money was collected in an amount not less than the  
25 revenues collected in the local 2 percent automation  
26 funds in fiscal year 1994–95. The Judicial Council shall  
27 allocate the remainder of the moneys deposited in the  
28 Trial Court Improvement Fund as specified in this  
29 section.

30 For the purposes of this subdivision, the term “2  
31 percent automation fund” means the fund established  
32 pursuant to Section 68090.8 as it read on June 30, 1996.

33 (i) The Judicial Council shall present an annual report  
34 to the Legislature on the use of the Trial Court  
35 Improvement Fund. The report shall include appropriate  
36 recommendations.

37 77210. (a) The state shall provide municipal court  
38 judges retired under the Judges’ Retirement System with  
39 retiree health, dental, and vision care plans equal to and



1 in the same manner as the health, dental, and vision  
2 benefits provided to retired superior court judges.

3 (b) No judge shall have any salary or benefits reduced  
4 solely by reason of the enactment of this section.

5 77211. Any trial court may establish a “900” telephone  
6 number or numbers for traffic, misdemeanor, and other  
7 telephonic arraignment, for court scheduling, and for  
8 rendering tentative civil decisions, provided the court  
9 provides an alternative method of obtaining the service  
10 or information in a free and timely manner, and informs  
11 individuals of this alternative in the message preceding  
12 the “900” information. The proceeds from these “900”  
13 telephone numbers shall be continuously and solely  
14 appropriated to the use of that court for staff, information,  
15 and data-processing services for the purposes specified in  
16 this section.

17 77212. (a) The State of California, the Counties of  
18 California, and the Trial Courts of California, recognize  
19 that a unique and interdependent relationship has  
20 evolved between the courts and the counties over a  
21 sustained period of time. While it is the intent of this act  
22 to transfer all fiscal responsibility for the support of the  
23 trial courts from the counties to the State of California, it  
24 is imperative that the activities of the state, the counties,  
25 and the trial courts be maintained in a manner that  
26 ensures that services to the people of California not be  
27 disrupted. Therefore, to this end, during the 1997–98  
28 fiscal year, commencing on July 1, 1997, counties shall  
29 continue to provide and courts shall continue to use,  
30 county services provided to the trial courts on July 1, 1997,  
31 including, but not limited to: auditor/controller services,  
32 coordination of telephone services, data-processing and  
33 information technology services, procurement, human  
34 resources services, affirmative action services,  
35 treasurer/tax collector services, county counsel services,  
36 facilities management, and legal representation. These  
37 services shall be provided to the court at a rate that shall  
38 not exceed the costs of providing similar services to  
39 county departments or special districts. If the cost was not  
40 included in the county base pursuant to paragraph (1) of

1 subdivision (b) of Section 77201 or was not otherwise  
2 charged to the court prior to July 1, 1997, and were court  
3 operation costs as defined in Section 77003 in the fiscal  
4 year 1994–95, the court may seek adjustment of the  
5 amount the county is required to submit to the state  
6 pursuant to paragraph (2) of subdivision (c) of Section  
7 77201.

8 (b) In fiscal year 1998–99 commencing on July 1, 1998,  
9 and thereafter the county may give notice to the court  
10 that the county will no longer provide a specific service  
11 except that the county shall cooperate with the court to  
12 ensure that a vital service for the court shall be available  
13 from the county or other entities that provide such  
14 services. The notice must be given at least 90 days prior  
15 to the end of the fiscal year and shall be effective only  
16 upon the first day of the succeeding fiscal year.

17 (c) In fiscal year 1998–99, commencing on July 1, 1998,  
18 and thereafter, the court may give notice to the county  
19 that the court will no longer use a specific county service.  
20 The notice shall be given at least 90 days prior to the end  
21 of the fiscal year and shall be effective only upon the first  
22 day of the succeeding fiscal year. However, for three  
23 years from the effective date of this section, a court shall  
24 not terminate a service that involved the acquisition of  
25 equipment, including, but not limited to, computer and  
26 data-processing systems financed by a long-term  
27 financing plan whereby the county is dependent upon  
28 the court's continued financial support for a portion of the  
29 cost of the acquisition.

30 77213. (a) There is in the State Treasury the Judicial  
31 Administration Efficiency and Modernization Fund.

32 (b) Moneys deposited into this fund shall be  
33 administered by the Judicial Council, subject to  
34 appropriation by the Legislature. The Judicial Council  
35 may, with appropriate guidelines, delegate to the  
36 Administrative Office of the Courts the administration of  
37 the fund. Moneys in the fund may be expended to  
38 promote improved access, efficiency, and effectiveness in  
39 trial courts that have unified to *the* fullest extent  
40 permitted by law. Moneys in the fund may be expended

1 to implement projects approved by the Judicial Council.  
2 Expenditures may be made to vendors or individual trial  
3 courts that have the responsibility to implement  
4 approved projects. Projects approved by the Judicial  
5 Council may include, but are not limited to, the following:

6 (1) Support the payment for cost of judicial officers or  
7 court staff who participate in in-state education  
8 programs, or to support local trial court education  
9 programs.

10 (2) Improved technology including information  
11 systems programming or equipment upgrades that meet  
12 standards approved by the Judicial Council and that  
13 promote efficiency and access to justice, or other  
14 technology that promotes access, efficiency, or security.

15 (3) Retain experienced jurists by establishing  
16 incentives of enhanced judicial benefits and educational  
17 sabbaticals, not to exceed 120 days every five years, as  
18 provided for by rules of court adopted by the Judicial  
19 Council.

20 (4) Acquire improved legal research through the use  
21 of law clerks or technology.

22 (c) Annually, the Judicial Council shall adopt criteria,  
23 timelines, and procedures for the allocation of funds to  
24 support activities for the benefit of qualified courts. The  
25 Judicial Council may allocate funding to pay program  
26 costs directly, contract with courts, and permanently  
27 reallocate funding to courts subject to the following  
28 limitations:

29 (1) Not more than 20 percent of the fund may be  
30 permanently reallocated pursuant to paragraph (1) of  
31 subdivision (b). The Judicial Council shall develop a plan  
32 which will permit the extension of the benefits to all  
33 judges of the state at such time when the trial courts of all  
34 counties have unified to the maximum extent permitted  
35 by law.

36 (2) Not more than 40 percent may be permanently  
37 reallocated to trial courts for any other purpose approved  
38 by the Judicial Council.

(3) The Judicial Council shall retain at least 40 percent of the funding to support annual allocations for improvement projects and programs in qualifying courts.

(4) Written notice shall be given to the Director of the Department of Finance and the Joint Legislative Budget Committee of any permanent reallocation.

(d) Except as specified in this section, the funding in the Judicial Administration Efficiency and Modernization Fund shall be subject to the expenditures as specified in Section 77205. Any funds in the Judicial Administration Efficiency and Modernization Fund that are unencumbered at the end of the fiscal year shall be retained in the Judicial Administration Efficiency and Modernization Fund for the following fiscal year.

(e) Moneys deposited in the Judicial Administration Efficiency and Modernization Fund shall be placed in an interest-bearing account. Any interest earned shall accrue to the fund and shall be disbursed pursuant to subdivision (f).

(f) Money deposited in the Judicial Administration Efficiency and Modernization Fund may be disbursed for purposes of this section.

SEC. 47. Article 4 (commencing with Section 77300) of Chapter 13 of Title 8 of the Government Code is repealed.

SEC. 48. Chapter 14 (commencing with Section 77600) is added to Title 8 of the Government Code, to read:

CHAPTER 14. TRIAL COURT FUNDING AND IMPROVEMENT  
ACT OF 1997

Article 1. The Task Force on Trial Court Employees

77600. The Task Force on Trial Court Employees shall be established pursuant to this article on or before January 1, 1998, and is charged with recommending an appropriate system of employment and governance for trial court employees.

1 77601. The task force shall be comprised of the  
2 following members:

3 (a) Four representatives of trial courts, appointed by  
4 the Chief Justice, representing two urban, one suburban,  
5 and one rural courts.

6 (b) Four representatives of counties, appointed by the  
7 Governor from a list of nominees submitted by the  
8 California State Association of Counties, representing  
9 urban, suburban, and rural counties.

10 (c) Three representatives appointed by the Senate  
11 Rules Committee, at least two of whom shall represent  
12 trial court employee organizations.

13 (d) Three representatives appointed by the Speaker  
14 of the Assembly, at least two of whom shall represent trial  
15 court employee organizations.

16 (e) The Director of the Department of Personnel  
17 Administration or his or her representative.

18 (f) The Chief Executive Officer of PERS or his or her  
19 representative.

20 (g) The Director of Finance or his or her  
21 representative.

22 (h) The Chief Justice shall designate a justice of the  
23 court of appeal as nonvoting chairperson.

24 77602. The Judicial Council shall provide staff support  
25 for the task force and shall develop guidelines for  
26 procedures and practices for the task force, which shall  
27 include input from and approval of the task force. The  
28 Department of Personnel Administration, the  
29 Department of Finance, and the Legislative Analyst shall  
30 provide additional support, at the request of the Judicial  
31 Council. The California State Association of Counties is  
32 encouraged to provide additional staff support.

33 77603. The duties of the task force shall include, but  
34 not be limited to, the following:

35 (a) Complete a survey of all trial courts regarding  
36 court employee status, classification, and salary.

37 (b) Document the local retirement systems in which  
38 trial court employees are members and the terms of the  
39 systems, and identify future retirement options.

1 (c) Determine the costs associated with a change in  
2 retirement benefits for court employees, including the  
3 cost to counties resulting from such change, including,  
4 but not limited to, the impact of such a change on pension  
5 obligation bonds, unfunded liabilities, and changes in  
6 actuarial assumptions.

7 (d) Document existing contractual agreements and  
8 the terms and conditions of employment, and document  
9 exclusive bargaining agents representing court  
10 employees by court, county, and unit.

11 (e) Document existing constitutional, statutory, and  
12 other provisions relating to classification, compensation,  
13 and benefits of court employees.

14 (f) Identify functions relating to trial courts that are  
15 provided by county employees.

16 (g) Examine and outline issues relating to the  
17 establishment of a local personnel structure for trial court  
18 employees under (1) court employment, (2) county  
19 employment, with the concurrence of the county and the  
20 courts in the county (3) state employment with the  
21 concurrence of the state and the courts in the county, or  
22 (4) other options identified by the task force. The task  
23 force, in recommending options for employee status, shall  
24 consider the complexity of the interests of employees and  
25 various governmental entities. Their recommendations  
26 shall, to the greatest extent possible, recognize the need  
27 for achieving the concurrence of the affected parties.

28 In outlining these issues, consideration shall be given to  
29 contractual obligations, minimizing disruption of the trial  
30 court work force, and protecting the rights accrued by  
31 employees under their current systems.

32 (h) Prepare a method for submitting the issue of  
33 employment status to an advisory vote of trial court  
34 employees in each county.

35 (i) Recommend a personnel structure for trial court  
36 employees.

37 77604. (a) The task force shall be appointed by  
38 October 1, 1997.

39 (b) The task force shall meet and establish its  
40 operating procedures on or before January 1, 1998.

1 (c) The task force shall submit an interim report to the  
2 Judicial Council, the Legislature, and the Governor on or  
3 before January 30, 1999. The report shall include the  
4 findings and recommendations of the task force with  
5 respect to the issues listed in Section 77603. The report  
6 shall be circulated for comment to the counties, judiciary,  
7 the Legislature, the Governor, and local and state  
8 employee organizations.

9 (d) The task force shall submit a final report to the  
10 above on or before June 1, 1999.

11 77605. (a) After giving consideration and due weight  
12 to the report of the task force, on or before January 1, 2000,  
13 the Judicial Council shall submit findings and  
14 recommendations to the Legislature relative to the  
15 establishment of a system of uniform court employee  
16 classifications, which may provide for local flexibility.  
17 These classifications shall include duty statements,  
18 minimum qualifications, and salary ranges. The  
19 classifications shall be broad enough so that the  
20 employees and their managers have maximum flexibility  
21 to accommodate the needs of the courts and the  
22 employees.

23 (b) It is the intent of the Legislature to enact a  
24 personnel system, that shall take effect on or before  
25 January 1, 2001, for employment of trial court employees.  
26 The personnel system shall have uniform statewide  
27 applicability and promote organizational and operational  
28 flexibility in accordance with Section 77001.

29 (c) Nothing herein is intended to prejudge or compel  
30 a finding by the task force that court or county or state  
31 employment is preferred.

32 (d) No provision of this article is intended to reduce  
33 judicial or court employee salary or benefits.

34 (e) No provision of this act shall be deemed to affect  
35 the current employment status of, or reduce benefits for,  
36 any peace officer involved in court operations.

37 77606. The recommendations of the task force shall  
38 take effect only upon subsequent action of the  
39 Legislature.

40

1 Article 2. The Task Force on Court Facilities

2  
3 77650. The Task Force on Court Facilities is hereby  
4 established in state government and charged with  
5 identifying the needs related to trial and appellate court  
6 facilities, and options and recommendations for funding  
7 court facility maintenance, improvements, and  
8 expansion, including the specific responsibilities of each  
9 entity of government.

10 77651. The task force shall be composed of 18  
11 members, appointed as follows:

12 (a) Six members appointed by the Chief Justice who  
13 shall be from urban, suburban, and rural courts. Four  
14 representatives may be either trial court judges or trial  
15 court administrators. One representative shall be a justice  
16 of the courts of appeal.

17 (b) Six members appointed by the Governor from a  
18 list of nominees submitted by the California State  
19 Association of Counties, who represent urban, suburban,  
20 and rural counties. Four representatives may be either  
21 county supervisors or county administrators. One  
22 representative shall be a person with court security  
23 responsibility.

24 (c) Two members appointed by the Senate Rules  
25 Committee, one of whom shall represent the State Bar or  
26 an associated attorney organization, neither of whom  
27 would be eligible for appointment under subdivision (a)  
28 or (b).

29 (d) Two members appointed by the Speaker of the  
30 Assembly, one of whom shall represent the State Bar or  
31 an associated attorney organization, neither of whom  
32 would be eligible for appointment under subdivision (a)  
33 or (b).

34 (e) The Director of General Services and the Director  
35 of Finance.

36 (f) The Chief Justice shall designate one of these  
37 representatives as the chairperson of the task force.

38 77652. The Judicial Council shall provide staff support  
39 for the task force and shall develop guidelines for  
40 procedures and practices for the task force. The



1 Department of General Services, the Department of  
2 Finance, and the Legislative Analyst shall provide  
3 additional support, at the request of the Judicial Council.  
4 The California State Association of Counties is  
5 encouraged to provide additional staff support.

6 77653. The duties of the task force shall include all of  
7 the following:

8 (a) Document the state of existing court facilities.

9 (b) Document the need for new or modified court  
10 facilities and the extent to which current court facilities  
11 are fully utilized.

12 (c) Document the funding mechanisms currently  
13 available for maintenance, operation, construction, and  
14 renovation of court facilities.

15 (d) Examine existing standards for court facility  
16 construction.

17 (e) Document the impacts of state actions on court  
18 facilities and other state and local justice system facilities.

19 (f) Review and recommend operational changes  
20 which may mitigate the need for additional court  
21 facilities, including the implementation of methods to  
22 more fully utilize existing facilities.

23 (g) Review and provide recommendations on  
24 concepts regarding security; operational flexibility;  
25 alternative dispute resolution; meeting space; special  
26 needs of children, families, victims, and disabled persons;  
27 technology; the dignity of the participants; and any other  
28 special needs of court facilities.

29 (h) Recommend specific funding responsibilities  
30 among the various entities of government for support of  
31 trial court facilities and facility maintenance including,  
32 but not limited to, full state responsibility or continued  
33 county responsibility.

34 (i) Recommend funding sources and financing  
35 mechanisms for support of court facilities and facility  
36 maintenance.

37 77654. (a) The task force shall be appointed on or  
38 before October 1, 1997.

39 (b) The task force shall meet and establish its  
40 operating procedures on or before January 1, 1998.

1 (c) The task force shall review all available court  
2 facility standards and make preliminary determinations  
3 of acceptable standards for construction, renovation, and  
4 remodeling of court facilities on or before July 1, 1998.

5 (d) The task force shall complete a survey of all trial  
6 and appellate court facilities in the state and report its  
7 findings to the Judicial Council, the Legislature, and the  
8 Governor in a first interim report on or before July 1, 1999.  
9 The report shall document all of the following:

10 (1) The state of existing court facilities.

11 (2) The need for new or modified court facilities.

12 (3) The currently available funding options for  
13 constructing or renovating court facilities, and the task  
14 force plan for the succeeding year.

15 (e) The task force shall submit a second interim report  
16 to the Judicial Council, the Legislature, and the Governor  
17 on or before July 1, 2000. The report shall document all of  
18 the following:

19 (1) The impact which creating additional judgeships  
20 has upon court facility and other justice system facility  
21 needs.

22 (2) The effects which trial court coordination and  
23 consolidation have upon court and justice system facilities  
24 needs.

25 (3) Administrative and operational changes which can  
26 reduce or mitigate the need for added court or justice  
27 system facilities.

28 (f) The task force shall submit a third interim report  
29 to the Judicial Council, the Legislature, and the Governor  
30 on or before January 1, 2001. The report shall include all  
31 of the following:

32 (1) Recommendations for specific funding  
33 responsibilities among the entities of government  
34 including full state responsibility, full county  
35 responsibility, or shared responsibility.

36 (2) A proposed transition plan if responsibility is to be  
37 changed.

38 (3) Recommendations regarding funding sources for  
39 court facilities and funding mechanisms to support court  
40 facilities.

1 (g) All interim reports shall be circulated for comment  
2 to the counties, the judiciary, the Legislature, and the  
3 Governor. The task force may also circulate these reports  
4 to users of the court facilities.

5 (h) The task force shall submit a final report to the  
6 Judicial Council, the Legislature, and the Governor on or  
7 before July 1, 2001. The report shall include all elements  
8 of the interim reports incorporating any changes  
9 recommended by the task force in response to comments  
10 received.

11 (i) Notwithstanding any other provision of law, during  
12 the period from July 1, 1997 to June 30, 2001, the board of  
13 supervisors of each county shall be responsible for  
14 providing suitable and necessary facilities for judicial  
15 officers and court support staff for judicial positions  
16 created prior to January 1, 1996, to the extent required by  
17 Section 68073. The board of supervisors of each county  
18 shall also be responsible for providing suitable and  
19 necessary facilities for judicial officers and court support  
20 staff for judgeships authorized by statutes chaptered in  
21 1996 to the extent required by Section 68073, provided  
22 that the board of supervisors agrees that new facilities are  
23 either not required or that the county is willing to provide  
24 funding for court facilities. Unless a court and a county  
25 otherwise mutually agree, the state shall assume  
26 responsibility for suitable and necessary facilities for  
27 judicial officers and support staff for any judgeships  
28 authorized during the period from January 1, 1998, to  
29 June 30, 2001.

30 77655. Notwithstanding any other provision of law,  
31 including Section 68073, the findings of the task force shall  
32 not be considered or entered into evidence in any action  
33 brought by trial courts to compel a county to provide  
34 facilities that the trial court contends are necessary and  
35 suitable.

36 SEC. 48.5. Section 1170.45 is added to the Penal Code,  
37 to read:

38 1170.45. The Judicial Council shall collect data on  
39 criminal cases statewide relating to the disposition of  
40 those cases according to the race and ethnicity of the

1 defendant, and report annually thereon to the  
2 Legislature beginning no later than January 1, 1999. It is  
3 the intent of the Legislature to appropriate funds to the  
4 Judicial Council for this purpose.

5 SEC. 49. Section 1463.001 of the Penal Code is  
6 amended to read:

7 1463.001. Except as otherwise provided in this  
8 section, all fines and forfeitures imposed and collected for  
9 crimes other than parking offenses resulting from a filing  
10 in a court shall as soon as practicable after receipt thereof,  
11 be deposited with the county treasurer, and each month  
12 the total fines and forfeitures which have accumulated  
13 within the past month shall be distributed, as follows:

14 (a) The state penalties, county penalties, special  
15 penalties, service charges, and penalty allocations shall be  
16 transferred to the proper funds as required by law.

17 (b) The base fines shall be distributed, as follows:

18 (1) Any base fines which are subject to specific  
19 distribution under any other section shall be distributed  
20 to the specified funds of the state or local agency.

21 (2) Base fines resulting from county arrest not  
22 included in paragraph (1), shall be transferred into the  
23 proper funds of the county.

24 In any fiscal year that a county, which has an agreement  
25 that was in effect as of March 22, 1977, that provides for  
26 city fines and forfeitures to accrue to the county in  
27 exchange for sales tax receipts, does not remit to the  
28 General Fund an amount equal to the amount  
29 transmitted during the 1993–94 fiscal year, that county  
30 shall make a payment from county funds equal to the  
31 difference to the General Fund by October 1 of the  
32 subsequent fiscal year.

33 (3) Base fines resulting from city arrests not included  
34 in paragraph (1), an amount equal to the applicable  
35 county percentages set forth in Section 1463.002, as  
36 modified by Section 1463.28, shall be transferred into the  
37 proper funds of the county. Until July 1, 1998, the  
38 remainder of base fines resulting from city arrests shall be  
39 divided between each city and county, with 50 percent  
40 deposited to the county's general fund, and 50 percent

1 deposited to the treasury of the appropriate city, and  
2 thereafter the remainder of base fines resulting from city  
3 arrests shall be deposited to the treasury of the  
4 appropriate city.

5 (4) In a county that had an agreement as of March 22,  
6 1977, that provides for city fines and forfeitures to accrue  
7 to the county in exchange for sales tax receipts, of base  
8 fines resulting from city arrests not included in paragraph  
9 (1), 50 percent shall be deposited to the General Fund,  
10 and 50 percent shall be deposited into the proper funds  
11 of the county.

12 (c) Each county shall keep a record of its deposits to  
13 its treasury and its transmittal to each city treasury  
14 pursuant to this section.

15 (d) The distribution specified in subdivision (b)  
16 applies to all funds subject thereto distributed on or after  
17 July 1, 1992, regardless of whether the court has elected  
18 to allocate and distribute funds pursuant to Section  
19 1464.8.

20 (e) Any amounts remitted to the county from amounts  
21 collected by the Franchise Tax Board upon referral by a  
22 county pursuant to Article 6 (commencing with Section  
23 19280) of Chapter 5 of Part 10.2 of Division 2 of the  
24 Revenue and Taxation Code shall be allocated pursuant  
25 to this section.

26 SEC. 50. Section 1463.003 of the Penal Code is  
27 repealed.

28 SEC. 51. Section 1463.005 of the Penal Code is  
29 amended to read:

30 1463.005. Notwithstanding Section 1463.001, in a  
31 county subject to Section 77202.5 of the Government  
32 Code, of base fines resulting from arrests not subject to  
33 allocation under paragraph (1) of subdivision (b) of  
34 Section 1463.001, by a California Highway Patrol Officer  
35 on state highways constructed as freeways within the city  
36 whereon city police officers enforced the provisions of  
37 the Vehicle Code on April 1, 1965, 25 percent shall be  
38 deposited in the treasury of the appropriate city, 75  
39 percent shall be deposited in the proper funds of the  
40 county.

1 SEC. 52. Section 1463.007 of the Penal Code is  
2 amended to read:

3 1463.007. Notwithstanding any other provision of law,  
4 any county or court that implements or has implemented  
5 a comprehensive program to identify and collect fines  
6 and forfeitures which have not been paid after 60 days  
7 from the date on which they were due and payable, with  
8 or without warrant having been issued against the alleged  
9 violator, and for which the base fine excluding state and  
10 county penalties is at least one hundred dollars (\$100),  
11 may deduct and deposit in the county treasury the cost of  
12 operating that program, excluding capital expenditures,  
13 from any revenues collected thereby prior to making any  
14 distribution of revenues to other governmental entities  
15 required by any other provision of law. This section does  
16 not apply to a defendant who is paying a fine or forfeiture  
17 through time payments, unless he or she is delinquent in  
18 making payments according to the agreed-upon payment  
19 schedule. For purposes of this section, a comprehensive  
20 collection program is a separate and distinct revenue  
21 collection activity and shall include at least 10 of the  
22 following components:

- 23 (a) Monthly bill statements to all debtors.
- 24 (b) Telephone contact with delinquent debtors to  
25 apprise them of their failure to meet payment obligations.
- 26 (c) Issuance of warning letters to advise delinquent  
27 debtors of an outstanding obligation.
- 28 (d) Requests for credit reports to assist in locating  
29 delinquent debtors.
- 30 (e) Access to Employment Development  
31 Department employment and wage information.
- 32 (f) The generation of monthly delinquent reports.
- 33 (g) Participation in the Franchise Tax Board's tax  
34 intercept program.
- 35 (h) The use of Department of Motor Vehicle  
36 information to locate delinquent debtors.
- 37 (i) The use of wage and bank account garnishments.
- 38 (j) The imposition of liens on real property and  
39 proceeds from the sale of real property held by a title  
40 company.

1 (k) The filing of objections to the inclusion of  
2 outstanding fines and forfeitures in bankruptcy  
3 proceedings.

4 (l) Coordination with the probation department to  
5 locate debtors who may be on formal or informal  
6 probation.

7 (m) The initiation of drivers' license suspension  
8 actions where appropriate.

9 (n) The capability to accept credit card payments.

10 SEC. 53. Section 1463.009 of the Penal Code is  
11 amended to read:

12 1463.009. Notwithstanding Section 1463, all bail  
13 forfeitures that are collected from any source in a case in  
14 which a defendant is charged and convicted of a violation  
15 of Section 261, 264.1, 286, 288, 288a, 288.5, or 289, or of a  
16 violent felony as defined in subdivision (c) of Section  
17 667.5 or a serious felony as defined in subdivision (c) of  
18 Section 1192.7, and that are required to be deposited with  
19 the county treasurer shall be allocated according to the  
20 following priority:

21 (a) The county shall be reimbursed for reasonable  
22 administrative costs for the collection of the forfeited  
23 property, the maintenance and preservation of the  
24 property, and the distribution of the property pursuant to  
25 this section.

26 (b) Out of the remainder of the forfeited bail money,  
27 a total of up to 50 percent shall be distributed in the  
28 amount necessary to satisfy any civil court judgment in  
29 favor of a victim as a result of the offense or a restitution  
30 order due to a criminal conviction to a victim who was  
31 under 18 years of age at the time of the commission of the  
32 offense if the defendant is convicted under Section 261,  
33 264.1, 286, 288, 288a, 288.5, or 289, and to a victim of any  
34 age if the defendant has been convicted of a violent  
35 felony as defined in subdivision (c) of Section 667.5 or a  
36 serious felony as defined in subdivision (c) of Section  
37 1192.7.

38 (c) The balance of the amount collected shall be  
39 deposited pursuant to Section 1463.

1 SEC. 54. Section 1463.010 is added to the Penal Code,  
2 to read:

3 1463.010. The enforcement of court orders is  
4 recognized as an important element of collections efforts.  
5 Therefore, the courts and counties shall maintain the  
6 collection program which was in place on January 1, 1996,  
7 unless otherwise agreed to by the court and county. The  
8 program may wholly or partially be staffed and operated  
9 within the court itself, may be wholly or partially staffed  
10 and operated by the county, or may be wholly or partially  
11 contracted with a third party.

12 SEC. 55. Section 1463.01 of the Penal Code is  
13 repealed.

14 SEC. 56. Section 1463.07 is added to the Penal Code,  
15 to read:

16 1463.07. An administrative screening fee of  
17 twenty-five dollars (\$25) shall be collected from each  
18 person arrested and released on his or her own  
19 recognizance upon conviction of any criminal offense  
20 related to the arrest other than an infraction. A citation  
21 processing fee in the amount of ten dollars (\$10) shall be  
22 collected from each person cited and released by any  
23 peace officer in the field or at a jail facility upon  
24 conviction of any criminal offense, other than an  
25 infraction, related to the criminal offense cited in the  
26 notice to appear. However, the court may determine a  
27 lesser fee than otherwise provided in this subdivision  
28 upon a showing that the defendant is unable to pay the  
29 full amount. All fees collected pursuant to this subdivision  
30 shall be deposited by the county auditor in the general  
31 fund of the county. This subdivision applies only to  
32 convictions occurring on or after the effective date of the  
33 act adding this subdivision.

34 SEC. 57. Section 1464 of the Penal Code is amended  
35 to read:

36 1464. (a) Subject to Chapter 12 (commencing with  
37 Section 76000) of Title 8 of the Government Code, there  
38 shall be levied a state penalty, in an amount equal to ten  
39 dollars (\$10) for every ten dollars (\$10) or fraction  
40 thereof, upon every fine, penalty, or forfeiture imposed



1 and collected by the courts for criminal offenses,  
2 including all offenses, except parking offenses as defined  
3 in subdivision (i) of Section 1463, involving a violation of  
4 a section of the Vehicle Code or any local ordinance  
5 adopted pursuant to the Vehicle Code. Any bail schedule  
6 adopted pursuant to Section 1269b may include the  
7 necessary amount to pay the state penalties established  
8 by this section and Chapter 12 (commencing with Section  
9 76000) of Title 8 of the Government Code for all matters  
10 where a personal appearance is not mandatory and the  
11 bail is posted primarily to guarantee payment of the fine.

12 (b) Where multiple offenses are involved, the state  
13 penalty shall be based upon the total fine or bail for each  
14 case. When a fine is suspended, in whole or in part, the  
15 state penalty shall be reduced in proportion to the  
16 suspension.

17 (c) When any deposited bail is made for an offense to  
18 which this section applies, and for which a court  
19 appearance is not mandatory, the person making the  
20 deposit shall also deposit a sufficient amount to include  
21 the state penalty prescribed by this section for forfeited  
22 bail. If bail is returned, the state penalty paid thereon  
23 pursuant to this section shall also be returned.

24 (d) In any case where a person convicted of any  
25 offense, to which this section applies, is in prison until the  
26 fine is satisfied, the judge may waive all or any part of the  
27 state penalty, the payment of which would work a  
28 hardship on the person convicted or his or her immediate  
29 family.

30 (e) After a determination by the court of the amount  
31 due, the clerk of the court shall collect the penalty and  
32 transmit it to the county treasury. The portion thereof  
33 attributable to Chapter 12 (commencing with Section  
34 76000) of Title 8 of the Government Code shall be  
35 deposited in the appropriate county fund and 70 percent  
36 of the balance shall then be transmitted to the State  
37 Treasury, to be deposited in the State Penalty Fund,  
38 which is hereby created, and 30 percent to remain on  
39 deposit in the county general fund. The transmission to

1 the State Treasury shall be carried out in the same  
2 manner as fines collected for the state by a county.

3 (f) The moneys so deposited in the State Penalty Fund  
4 shall be distributed as follows:

5 (1) Once a month there shall be transferred into the  
6 Fish and Game Preservation Fund an amount equal to  
7 0.33 percent of the state penalty funds deposited in the  
8 State Penalty Fund during the preceding month, except  
9 that the total amount shall not be less than the state  
10 penalty levied on fines or forfeitures for violation of state  
11 laws relating to the protection or propagation of fish and  
12 game. These moneys shall be used for the education or  
13 training of department employees which fulfills a need  
14 consistent with the objectives of the Department of Fish  
15 and Game.

16 (2) Once a month there shall be transferred into the  
17 Restitution Fund an amount equal to 32.02 percent of the  
18 state penalty funds deposited in the State Penalty Fund  
19 during the preceding month. Those funds shall be made  
20 available in accordance with Section 13967 of the  
21 Government Code.

22 (3) Once a month there shall be transferred into the  
23 Peace Officers' Training Fund an amount equal to 23.99  
24 percent of the state penalty funds deposited in the State  
25 Penalty Fund during the preceding month.

26 (4) Once a month there shall be transferred into the  
27 Driver Training Penalty Assessment Fund an amount  
28 equal to 25.70 percent of the state penalty funds deposited  
29 in the State Penalty Fund during the preceding month.

30 (5) Once a month there shall be transferred into the  
31 Corrections Training Fund an amount equal to 7.88  
32 percent of the state penalty funds deposited in the State  
33 Penalty Fund during the preceding month. Money in the  
34 Corrections Training Fund is not continuously  
35 appropriated and shall be appropriated in the Budget  
36 Act.

37 (6) Once a month there shall be transferred into the  
38 Local Public Prosecutors and Public Defenders Training  
39 Fund established pursuant to Section 11503 an amount  
40 equal to 0.78 percent of the state penalty funds deposited



1 in the State Penalty Fund during the preceding month.  
2 The amount so transferred shall not exceed the sum of  
3 eight hundred fifty thousand dollars (\$850,000) in any  
4 fiscal year. The remainder in excess of eight hundred fifty  
5 thousand dollars (\$850,000) shall be transferred to the  
6 Restitution Fund.

7 (7) Once a month there shall be transferred into the  
8 Victim-Witness Assistance Fund an amount equal to 8.64  
9 percent of the state penalty funds deposited in the State  
10 Penalty Fund during the preceding month.

11 (8) (A) Once a month there shall be transferred into  
12 the Traumatic Brain Injury Fund, created pursuant to  
13 Section 4358 of the Welfare and Institutions Code, an  
14 amount equal to 0.66 percent of the state penalty funds  
15 deposited into the State Penalty Fund during the  
16 preceding month. However, the amount of funds  
17 transferred into the Traumatic Brain Injury Fund for the  
18 1996–97 fiscal year shall not exceed the amount of five  
19 hundred thousand dollars (\$500,000). Thereafter, funds  
20 shall be transferred pursuant to the requirements of this  
21 section.

22 (B) Any moneys deposited in the State Penalty Fund  
23 attributable to the assessments made pursuant to  
24 subdivision (i) of Section 27315 of the Vehicle Code on or  
25 after the date that Chapter 6.6 (commencing with  
26 Section 5564) of Part 1 of Division 5 of the Welfare and  
27 Institutions Code is repealed shall be utilized in  
28 accordance with paragraphs (1) to (8), inclusive, of this  
29 subdivision.

30 SEC. 58. Section 11205.1 is added to the Vehicle Code,  
31 to read:

32 11205.1. The fee authorized in subdivision (m) of  
33 Section 11205 shall be applicable only in those instances  
34 where a traffic violator has agreed to attend or has been  
35 ordered to attend a traffic violator school pursuant to  
36 Section 42005, a licensed driving school, or any other  
37 court-approved program for driving instruction.

38 SEC. 59. Section 42007 of the Vehicle Code is  
39 amended to read:

1 42007. (a) The clerk of the court shall collect a fee  
2 from every person who is ordered or permitted to attend  
3 a traffic violator school pursuant to Section 42005 or who  
4 attends any other court-supervised program of traffic  
5 safety instruction. The fee shall be in an amount equal to  
6 the total bail set forth for the eligible offense on the  
7 uniform countywide bail schedule. As used in this  
8 subdivision, “total bail” means the amount established  
9 pursuant to Section 1269b of the Penal Code in  
10 accordance with the Uniform Statewide Bail Schedule  
11 adopted by the Judicial Council, including all  
12 assessments, surcharges, and penalty amounts. Where  
13 multiple offenses are charged in a single notice to appear,  
14 the “total bail” is the amount applicable for the greater  
15 of the qualifying offenses. However, the court may  
16 determine a lesser fee under this subdivision upon a  
17 showing that the defendant is unable to pay the full  
18 amount.

19 The fee shall not include the cost, or any part thereof,  
20 of traffic safety instruction offered by the school or other  
21 program.

22 (b) (1) Revenues derived from the fee collected  
23 under this section shall be deposited in accordance with  
24 Section 68084 of the Government Code in the general  
25 fund of the county, provided that in any county in which  
26 a fund is established pursuant to Section 76100 or 76101 of  
27 the Government Code, the sum of one dollar (\$1) for  
28 each fund so established shall be deposited with the  
29 county treasurer and placed in that fund.

30 (2) Commencing July 1, 1998, for fees resulting from  
31 city arrests, an amount equal to the amount of base fines  
32 that would have been deposited in the treasury of the  
33 appropriate city pursuant to paragraph (3) of subdivision  
34 (b) of Section 1463.001 of the Penal Code shall be  
35 deposited in the treasury of the appropriate city.

36 (c) As used in this section, “court-supervised  
37 program” includes, but is not limited to, any program of  
38 traffic safety instruction the successful completion of  
39 which is accepted by the court in lieu of adjudicating a  
40 violation of this code.

(d) The Judicial Council shall study the minimum eligibility criteria governing drivers seeking to attend traffic violator's school, and report to the Legislature on the advisability of uniform statewide criteria on or before January 1, 1993.

(e) The clerk of the court, in a county that offers traffic school shall include in any courtesy notice mailed to a defendant for an offense that qualifies for traffic school attendance the following statement:

NOTICE: If you are eligible and decide not to attend traffic school your automobile insurance may be adversely affected.

SEC. 60. Section 42007.1 is added to the Vehicle Code, to read:

42007.1. (a) The fee collected by the clerk pursuant to subdivision (a) of Section 42007 shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule plus twenty-four dollars (\$24).

(b) Notwithstanding subdivision (b) of Section 42007, the revenue from the twenty-four dollar (\$24) fee collected under this section shall be deposited in the county general fund.

SEC. 61. The Judicial Council shall forward information regarding the fiscal impact of pending legislation affecting courts to the Legislature when the council deems that the information will assist the Legislature in its consideration of the legislation.

SEC. 62. (a) There shall be a Civil Delay Reduction Team comprised of judges assigned by and under the authority of the Chief Justice.

(b) The primary responsibility of the team is to assist counties and courts in reducing or eliminating the delay in adjudicating civil cases.

(c) Team judges will be assigned by the Chief Justice after taking into account the following.

(1) The number of delayed civil cases in each county and court.

(2) The delay in processing civil cases.

(3) The age of inventory of cases, with greater weight to be given to cases with a long delay without resolution.

(4) The average length of time needed to dispose of civil cases.

(5) The adverse impact on civil litigants.

(6) The likelihood that utilization of the team will encourage effective and efficient use of existing local court resources.

(d) Delay reduction team assignments shall be for the purpose of supplementing civil court resources, and shall not be made for the purpose of supplanting a judge currently assigned to the civil court calendar.

(e) During the 1997–98 fiscal year, special attention shall be given to those counties and courts where civil delay is much greater than the state average delay for all trial courts.

(f) The Judicial Council shall report to the Legislature annually on the assignment of team judges and the impact on civil case delay reduction.

(g) This section shall become inoperative on July 1, 1999, and, as of January 1, 2000, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2000, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 63. As provided in the Budget Act of 1997, of funds appropriated in Schedule (a) of Item 0450-101-0932 of the Budget Act of 1997, the Judicial Council shall transfer up to two million dollars (\$2,000,000) to Schedule (c) of that item for support of the Civil Delay Reduction Team established by this act.

SEC. 64. No provision of this act shall be deemed to constitute a mandate upon a county because the state's assumption of increased funding support for the trial courts, pursuant to Section 77001 of the Government Code, effectively relieves a county of the responsibility to provide otherwise increasing funds to the trial courts to help finance their operations.

SEC. 65. No provision of this act shall be deemed to constitute a mandate upon a trial court because the state's assumption of increased funding support for the trial

1 courts, pursuant to Section 77001 of the Government  
2 Code, directly benefits the trial courts through the  
3 provision of more adequate, consistent, and stable  
4 financial support for their operations.

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